Nebraska Juvenile Pretrial Diversion Guidelines

Best Practice Recommendations for Juvenile Pretrial Diversion Programs in Nebraska

MAY 2015

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REFERENCE

The development of this guidebook is based on the Models for Change *Juvenile Diversion Guidebook*, prepared by the Models for Change Juvenile Diversion Workgroup (Center for Juvenile Justice Reform, National Center for Mental Health and Juvenile Justice, National Juvenile Defender Center, National Youth Screening and Assessment Project, and Robert F. Kennedy Children's Action Corps.), and presentations and information provided at the Center for Juvenile Justice Reform Diversion Certificate Program. Portions of previously cited documents were incorporated in part throughout this guidebook. Further citations to these documents are omitted. References to section numbers are Nebraska Revised Statutes.

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DISCLAIMER: The purpose of the Nebraska Juvenile Pretrial Diversion Guidebook and the accompanying tools is to provide educational information, discussion, and dissemination of information pertaining to establishing or enhancing a juvenile diversion program. This Guidebook was developed with the intent of providing technical assistance and guidance to juvenile pretrial diversion programs for implementing evidence-based strategies or standardized, replicable practices that have been researched and have demonstrated positive outcomes as provided in Neb. Rev. Stat. 81-1427. The information has been prepared as a reference to aid individuals in fulfilling the statutory duties in the juvenile diversion process. Although there are statutes and other resources referenced, this material is intended to be a guide only and should not be used as a legal document in place of an attorney's opinion.

The following information contained in this Guidebook is intended to provide a brief synopsis of a wide variety of issues an individual may encounter when dealing with juvenile diversion issues. For a more thorough understanding of any of these measures, please review the actual document referenced and contact your attorney if questions arise concerning interpretation or implementation of a particular matter.

This Guidebook and the accompanying toolkits are documents that may undergo frequent updates as research on juvenile pretrial diversion programs continues to progress. The most recent Guidebook and the accompanying toolkits may be accessed at www.ncc.ne.gov or by contacting the Director of Juvenile Diversion Programs at the Nebraska Crime Commission at 402-471-2194.

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Introduction and Purpose

The Juvenile Diversion Working Group Subcommittee of the Nebraska Coalition for Juvenile Justice strongly recommends (1) every county provide diversion for eligible juvenile offenders and (2) all juvenile diversion programs adhere to the definitions, guidelines, and standards outlined below.

For purposes of establishing baseline guidelines for juvenile pretrial diversion programs, the Juvenile Diversion Working Group Subcommittee of the Nebraska Coalition for Juvenile Justice utilized the Models for Change *Juvenile Diversion Guidebook* and participated in the Center for Juvenile Justice Reform Diversion Certificate Program at Georgetown University in 2014 to establish this guidebook. This guidebook follows the recommendations in the Models for Change *Juvenile Diversion Guidebook* and should be utilized for purposes of establishing or enhancing juvenile pretrial diversion programs pursuant to Neb. Rev. Stat. §§43-260.02 - 43-260.07.

Purpose for the Guidebook

This guide provides a framework and guidelines for juvenile pretrial diversion programs that will ensure consistency with statutory requirements, as well as consistency to the juvenile justice system across Nebraska. Goals, objectives, and the administration of proposed juvenile pretrial diversion programs should be consistent with the guidelines set forth in this guide. This guide may also be used to develop a new juvenile pretrial diversion program, or it may be used to enhance and/or expand an existing program. The guidelines are not requirements for juvenile pretrial diversion programs in Nebraska.

While Indian Tribes are not specifically mentioned in Nebraska's juvenile diversion statutory scheme, these guidelines serve as useful guideposts for developing or enhancing diversion programs, especially those receiving Community-Based Juvenile Services Aid funding.

Juvenile pretrial diversion programs receiving or seeking Community-based Juvenile Services Aid funding shall comply with these guidelines, as the Crime Commission will use these guidelines as criteria when considering Community-based Juvenile Services Aid funding requests.

Overview of Juvenile Pretrial Diversion

The state of Nebraska has recognized the incarceration of juveniles is contrary to the best interests and well-being of juveniles, prioritizing the need for programs and services for juveniles to provide appropriate preventive, diversionary, and dispositional alternatives for juveniles. The Juvenile Services Act outlines this goal, with the following objectives:

> (a) Preservation of the family unit whenever the best interests of the juvenile are served and such preservation does not place the juvenile at imminent risk;
>
> (b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;
>
> (c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;
>
> (d) Treatment in the community rather than commitment to a youth rehabilitation and treatment center whenever the best interests of the juvenile require it; and

(e) Assistance in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

The use of juvenile pretrial diversion programs is a priority in juvenile justice reform in Nebraska, and included in the Juvenile Services Act. (Neb. Rev. Stat. §43-2403).

What is Diversion?

Juvenile pretrial diversion programs are based on the belief that not all cases are best handled through a formal court process. Juvenile pretrial diversion is a voluntary program available to youth charged with an offense before adjudication. Youth are referred to a pretrial diversion program by their county attorney or city attorney who determines the eligibility of the alleged offender. Participation diverts the youth from involvement in the juvenile justice system and into a program that offers a continuum of requirements and services. Juvenile pretrial diversion is a positive alternative to juvenile court and can provide more appropriate methods of treating juveniles charged with an offense, providing better outcomes for the youth. The end result of successfully completing a juvenile pretrial diversion program is dismissal or non-filing of the diverted case.

It is important to note these programs are "pretrial." In juvenile cases, the appropriate term is "preadjudication," meaning juvenile pretrial diversion programs occur before the juvenile is adjudicated. Participation in the pretrial diversion program cannot be court ordered, be required as a part of a disposition, or occur after adjudication.

Purpose of Juvenile Pretrial Diversion

There are many purposes for supporting the use of juvenile diversion programs that not only benefit the youth, but benefit families, communities, and the juvenile justice system. Those purposes might include, but are not limited to:

1) Reducing Recidivism: Decreasing repeat offending, thereby contributing to public safety;

2) Providing Services: Assuring youth who are in need of intervention and treatment receive services that will help to reduce the likelihood of future offending;

3) Avoiding Labeling Effects: Reducing the likelihood youth obtain a social label or self-perception as delinquent, which may actually contribute to further delinquency;

4) Reducing System Costs: Assuring the juvenile justice system's resources are reserved for use with youth who must be formally processed, adjudicated, and rehabilitated;

5) Reducing Unnecessary Social Control: Assuring youth, as citizens, are subjected to no more state intervention than is necessary, and caretakers (rather than the state) are responsible for their children whenever possible;

6) Increasing Successful Outcomes for Youth: Diversion programs may seek to increase school engagement, offer opportunities for positive skill development, increase prosocial activities or target other criteria that measure success for youth;

7) Assuring Accountability: Assuring youth, while avoiding adjudication, understand the seriousness of their actions and the effects their behaviors may have on the victim(s), community, their family, etc., and holding them accountable through some type of restitution instead of juvenile court sentencing;

8) Reducing Disproportionate Minority Contact (DMC): Assuring minority youth are not overrepresented in the juvenile justice system;

9) Avoiding Collateral Consequences: Unintended collateral consequences youth might face by involvement in the juvenile justice system might include employment opportunities, military admission, adult sentencing, and access to higher education and financial aid.

Adolescence is a time when youth, at one time or another, engage in risky behavior, act without thinking, and make poor decisions more often than they will as adults. Adolescent brain development research shows the part of a juvenile's brain responsible for risk assessment, consideration of consequences and controlling impulses is not fully developed until the early 20's.[1] A high proportion of juveniles who come into contact with the juvenile justice system are not on a path to adult crime, but merely afflicted with adolescence, and unlikely to return to the juvenile justice system a second time. Over-involvement with the juvenile justice system can make things worse for those juveniles.[2] This understanding that the developmental factors that make adolescents different from adults shows youth are less culpable for their behavior, are more amenable to change and rehabilitation than adults, and should be treated differently than adults when they commit crimes.[3] Well-designed community- based programs and evidence-based practices can effectively reduce adolescent recidivism without relying on punitive punishments of the criminal justice system. The justice system should not exempt youth from punishment, but should consider the developmental stage of adolescents when juveniles are facing prosecution. Programs and practices should teach youth about the consequences of their wrongdoing in a developmentally informed way, give youth opportunities to restore damage they have caused, and the tools to learn from their mistakes and make better choices in the future. The most effective programs seek to meet the youth's developmental needs by promoting contact with prosocial peers and adult role models, actively engaging parents and family members, offering tools to deal with negative influences, and engaging youth in educational programming and employment will prepare them for adulthood.[4]

"*It is estimated 40% to 50%, and even up to 70% of juveniles involved in delinquent activities and the juvenile justice system have a diagnosable mental health disorder. The estimates for use of substances may be even higher. The symptoms of these disorders are often the reason for the delinquent behavior that brought the youth into contact with the juvenile justice system in the first place. Treatment of these disorders can reduce the chances of further delinquent behaviors by 40%. With these statistics in mind, every youth involved with delinquent or criminal behavior should receive screening for psychological and*

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[1] Coalition for Juvenile Justice, *Emerging Concepts Brief: What are the Implications of Adolescent Brain Development for Juvenile Justice?* (2006).
[2] Mark Lipsey, Keynote Presentation, *Evidence-Based Practice to Meet the Juvenile Justice Challenge* (Nebraska Community Aid and Juvenile Justice Conference, Lincoln, Nebr., October 29, 2014) (copy of PowerPoint presentation on file with Nebraska Crime Commission).
[3] Models for Change: Systems Reform in Juvenile Justice, The Resource Center Partnership, Benjamin Chambers & Annie Balck, *Because Kids are Different: Five Opportunities for Reforming the Juvenile Justice System, (*John D. and Catherine T. MacArthur Foundation 2014).
[4] *Id.*

substance use disorders prior to adjudication. Quality assessments based on the results of screening and early, comprehensive intervention and treatment of these disorders is of vital importance for the health and well-being of these youth. Assessment, paired with diversion at the early stage in the juvenile justice process, is a promising way to prevent a juvenile's further involvement in the system."

- Kenneth Zoucha, M.D., Medical Director
  HJCDP-Hastings Regional Center

Core Best Practice Recommendations

1. Broad, equitable and objective diversion eligibility criteria;
2. Uniform and validated risk and needs assessment to determine the most appropriate and least restrictive levels of supervision and services needed;
3. Diversion plans tailored to individual participant risks and needs, developed with the participants input and taking into account cultural considerations;
4. Including family involvement in the diversion plan for increased success in the program;
5. Graduated responses short of termination as responses to participant behavior;
6. Juvenile access to defense counsel before the decision to participate in pretrial diversion;
7. Formalized cooperative agreements between the pretrial diversion program and key stakeholders to assure program continuity and consistency;
8. Specific due process protections incorporated into programming;
9. Maximum possible privacy protections for participants and program records;
10. Thorough and consistent data collection; and
11. Independent program evaluations.

Developing a Juvenile Pretrial Diversion Program

Juvenile Pretrial Diversion Purpose and Goals

Nebraska statute outlines the goals and objectives of juvenile pretrial diversion programs. Juvenile diversion programs may have additional goals and objectives for their particular diversion program. It is important diversion programs have clearly stated objectives when developing a diversion program, as the remaining pieces of the diversion program will be guided by the stated goals and objectives.

> **43-260.03. Juvenile pretrial diversion program; goals**: The goals of a juvenile pretrial diversion program are:
> (1) To provide eligible juvenile offenders with an alternative program in lieu of adjudication through the juvenile court;
> (2) To reduce recidivism among diverted juvenile offenders;
> (3) To reduce the costs and caseload burdens on the juvenile justice system and the criminal justice system; and
> (4) To promote the collection of restitution to the victim of the juvenile offender's crime.

Referral Decision Point

Although there might be many points on the juvenile justice spectrum that youth may be referred to juvenile diversion, Nebraska statute allows for a juvenile pretrial diversion program to be offered after police contact has occurred and the prosecuting attorney has determined the offense supports the filing of a petition.

> **43-260.04(4) Juvenile pretrial diversion program; requirements:**
> A juvenile pretrial diversion program shall:
> (4) Be offered to the juvenile when practicable **prior to the filing of a juvenile petition or a criminal charge but after the arrest of the juvenile or issuance of a citation to the juvenile** if after the arrest or citation a decision has been made by the county attorney or city attorney that the offense will support the filing of a juvenile petition or criminal charges;
> (emphasis added).

Extent of Intervention

The diversion program must consider what type and the degree of intervention the program will have in the youth's life. Type and degree of intervention must match the risk and needs of the individual youth. It is recommended programs use evidence-based screenings to determine the risk and needs of youth entering diversion. The diversion plan should be tailored to the needs of the individual youth.

Utilize the least restrictive or intrusive interventions and approaches necessary to adequately serve the youth and their family while maintaining quality and best practice.

The diversion program may contain certain standard components, such as community service, apology letters, etc., but should also provide for appropriate targeted interventions for the participant. Mismatched interventions and/or over supervision of low risk individuals causes more harm and worse outcomes. Therefore, it is critical in diversion to apply the right dosage of intervention.

It is also critical the intervention is immediate and there is not excessive delay between the referred offense's occurrence, the referral of the offense to diversion, and the first diversion program contact with the juvenile. Unnecessary delays in case processing can increase the likelihood a juvenile's law-violating behavior will continue to escalate. Timely system response to delinquent behavior greatly influences whether or not juveniles will be referred to court again. Timely processing and meaningful intervention that considers the individual circumstances of the juvenile is strongly encouraged.

Quality of Intervention

Not only do the interventions need to match the youth's risk and needs in regard to dosage and timeliness, the diversion program needs to offer quality culturally relevant interventions that consider geography and transportation limitations.

Program Oversight

In Nebraska, county and city attorneys have the authority to develop diversion programs with the concurrence of the county board or governing body of the city.

> **43-260.02. Juvenile pretrial diversion program; authorized.** A county attorney may establish a juvenile pretrial diversion program with the concurrence of the county board. If the county is part of a multicounty juvenile services plan under the Nebraska County Juvenile Services Plan Act, the county attorney may establish a juvenile pretrial diversion program in conjunction with other county attorneys from counties that are a part of such multicounty plan. A city attorney may establish a juvenile pretrial diversion program with the concurrence of the governing body of the city. Such programs shall meet the requirements of sections 43-260.02 to 43-260.07.

It is important to establish what agency or entity will be overseeing the diversion program, as well as how the program will be funded and sustained. The typical models for the operation of a diversion program in Nebraska are the following:

- County/City Attorney: Meaning diversion staff are hired and employed out of the county or city attorney's office.
- Community-Based Service Agency: Meaning the county or city attorney contracts with a local service provider to operate the program.

- Multi-County Diversion Coordinator: Meaning a county attorney may establish a juvenile pretrial diversion program in conjunction with other county attorneys from counties that are a part of a multicounty juvenile services plan under the Nebraska County Juvenile Services Plan Act.
- Law Enforcement or School Based Diversion: Meaning the diversion program is run by law enforcement or school officials, with the collaboration of the county attorney or city attorney.

Engagement of the community stakeholders is important, particularly if the program is new. Developing a clear message about the purpose of the program and the best practice research that supports diversion is critical to share with those entities who might feel it is too soft of an approach. Engagement of community businesses and philanthropic organizations, such as local foundations, rotary, faith-based organizations, Kiwanis, and Elks, is important as they will be needed as a resource for community service, potential financial support, and to help share the message of the juvenile diversion program.

While a diversion program may be run by one agency or party, but will not operate in isolation. To be successful, most diversion programs need the involvement and "buy-in" of the community's legal, social, and behavioral health services.

! Reminder: Get program approval from the County Board.

Funding

Counties developing or implementing a diversion program must determine how the program will be funded and sustained. It is important to develop a budget for the program early in the process. The following factors may affect the funding of the program and should be considered:

- Salary of Diversion Coordinator and other staff working with the program
- Payment of instructor(s) for program activities and educational programs
- Cost of supplies, equipment, educational materials, screenings and assessments, training, travel, etc.

Many counties have some or all of their diversion program budget built into the county or county attorney budget. Some other potential funding sources include:

- Community-based Juvenile Services Aid grant funds
- Juvenile Services and Title II grant funds
- Grants through regional behavioral health
- Local community foundations
- Private donations
- Charities
- Program fees* (See below of information on program fees)

! Best Practice: If a diversion program chooses to have a fee associated with participation, fee should not be cost prohibitive. When determining the diversion fee, consider the following:

- Setting the diversion fee too high might make opting for court rather than diversion more appealing;
- There might be other costs associated with diversion may make it cost prohibitive for a participant: i.e. restitution, drug/alcohol evaluations, assessments, community services, court costs* (Nebraska statute requires diversion to occur prior to filing of a court petition unless it is not feasible to do so.)
- Youth may have additional obstacles prohibiting the ability to pay a diversion fee, such as family income, age of the youth, and access to transportation.

! Best Practice: It is recommended that no eligible juvenile be denied participation due to financial inability to pay the costs of diversion. The diversion program should allow for sliding fee scales, waiving of fees, or scholarships when necessary.

Identify in-kind support in the community and/or existing resources that can be utilized through partnerships, including:

- Classes offered by local non-profit organizations, Cooperative Extension, etc.
- Organizations that offer transportation vouchers, GED services, employment services, etc.
- Treatment that can be covered by insurance, Medicaid or other programs
- Businesses who will offer sites for community service
- Partnerships with mentoring organizations
- Opportunities for cross training with other local organizations

Operation Policies

Intake Criteria

Legal sufficiency

For a case to be eligible for juvenile pretrial diversion, it must be a legally sufficient case. Diversion is not a dumping ground for cases that might not have enough evidence to prosecute. Diversion is only for provable cases. If evidence is insufficient to prove the case, dismiss it; do not send it to diversion. Juvenile diversion should not net-widen by sending youth to diversion that otherwise would not have their case prosecuted.

> **43-260.04(4) Juvenile pretrial diversion program; requirements:**
> A juvenile pretrial diversion program shall:
> (4) Be offered to the juvenile when practicable **prior to the filing of a juvenile petition or a criminal charge** but after the arrest of the juvenile or issuance of a citation to the juvenile if after the arrest or citation a decision has been made by the county attorney or city attorney that **the offense will support the filing of a juvenile petition or criminal charges**;
> (emphasis added).

! Best Practice: It is recommended to follow statute and keep diversion cases pre-filing. Doing so reduces system costs (court costs, attorney time, sealing of records), and avoids labeling of youth.

Referral and Eligibility

Deciding on the program's initial and de-selection criteria can be one of the most important and complex set of decisions that will be made. After a youth has law enforcement contact, the program will have one or more points at which a person or office can say, "This is a youth who fits the criteria for referral to the diversion program." This is the initial eligibility criteria.

The process of selecting initial eligibility criteria gets to the very heart of motivations and concerns regarding diversion programs. The eligibility criteria should result in low risk level youth not entering the formal court process. This makes sense, as research shows most youth who offend for the first time do not reoffend. Formally prosecuting first-time and low risk level offenders increases their exposure to the juvenile justice system and the chances they will begin to identify themselves and be identified by others as "delinquent." On the other hand, the desire to protect the public is equally as strong as the desire to avoid unnecessary formal processing of youth. Planners may want to develop initial eligibility criteria with an eye to avoiding harm to others by the small percentage of youth who may go on to commit serious delinquent acts. Devising prior offense and type of offense criteria may require careful attention to the balance between two primary values, avoiding formal processing while ensuring access to services, and assuring public safety.

Nebraska statute provides criteria that the county or city attorney may use when deciding if a youth should be referred to a juvenile pretrial diversion program.

> **43-260.04(1) Juvenile pretrial diversion program; requirements:**
> The county attorney or city attorney may use the following information:
> (a) The juvenile's age;
> (b) The nature of the offense and role of the juvenile in the offense;
> (c) The number and nature of previous offenses involving the juvenile;
> (d) The dangerousness or threat posed by the juvenile to persons or property; or
> (e) The recommendations of the referring agency, victim, and advocates for the juvenile;

De-selection Criteria

De-selection criteria are applied during the first interview with a diversion staff after the youth has been referred to the diversion program based on initial criteria. They are a set of factors that may lead to non-participation in the program, even though the youth has met initial criteria.

A screen of risk factors at the intake interview should take place. Some screening tools employ risk factors that are important but require information that goes beyond case facts that were used as initial criteria. These additional risk factors can be identified in the intake interview with youth and caretakers. Also, sometimes the interview will reveal the case facts applied to the threshold decision were wrong. So, in a few cases, this second risk factor screening might identify reasons to de-select the youth from the diversion program because of the high risk of re-offense was not apparent when the threshold criteria was initially applied. A simple pre-screen like the Nebraska Youth Screen or Arizona screening tool can be used for this purpose.

- **!** Best Practice: Include risk factors when deciding on a participant's initial eligibility. Risk factors are facts about a case that have been determined to identify a decrease or increase in the likelihood a case will result in negative outcomes during some period of time in the future. To be used as initial criteria, risk factors should be easy to score or rate without an interview or any special assessment of the youth, being based on past records and law enforcement information about the youth's behavior at arrest. Risk factors include: Antisocial attitudes, antisocial friends, substance abuse, impulsive behavior, bad parenting, supervision, low education.

A procedural question to consider is whether those who apply the criteria "must" refer each youth who meets the criteria, or whether they are allowed to use their discretion to override the eligibility criteria in some cases. It is better for a program's policies and procedures to create a presumption of referral to diversion. A program that allows decision-makers to simply take initial criteria into consideration while then using discretion to decide whether or not to divert is in danger of applying the diversion criteria in an inconsistent and potentially unfair manner. It provides no accountability for judgments that may, in

the end, be arbitrary and based on factors that should have nothing to do with the community's expressed interest in diversion.

On the other hand, employing initial eligibility criteria that provide no option for discretion in unusual cases is not recommended. Because diversion is under the control of the county or city attorney, the county or city attorney has the full discretion on its use. When deciding on intake eligibility criteria, there needs to be an appropriate balance between referring attorney discretion and inconsistent referrals to diversion.

! Best Practice: Include a program procedure for youth denied enrollment in a diversion program allowing for an administrative review and written reasons for denial.

When in doubt, except as to public safety concerns, the youth should be diverted from the formal juvenile justice system and into a diversion program. Diversion costs less than the formal court process and if the youth is unsuccessful in diversion, referral back to the formal juvenile justice system is still available.

Eligibility Screening and Assessment

Screening tools should be used along with eligibility guidelines to identify youth who should be placed in a diversion program.

! Best Practice:

- Youth with no or very low risk to reoffend should be considered for receiving a warning or very minimal or informal services.
- Low risk youth least likely to reoffend should be placed in an appropriate diversion program.
- High risk to reoffend youth may need to be referred back to the referring attorney if the therapeutic or other interventions needed by the youth would only be available through court order or order of probation.
- High-need youth who are at low risk to reoffend should be referred to diversion programs with appropriate needs based requirements in community-based services to address the needs. Situations might arise where a referral back to the referring attorney is appropriate if the services necessary are only accessible through court order or order of probation.

43-260.05 Juvenile pretrial diversion program; optional services.
A juvenile pretrial diversion program may:
(1) Provide screening services to the court and county attorney or city attorney to help identify likely candidates for the program;

Legal Protections

One common goal of diversion programs is to address underlying behavioral issues that may exist. By encouraging open communication during screening, assessment, and treatment, better outcomes for youth and the entire system are possible. When developing a program with some privacy protections, the benefits gained from open disclosure usually far outweigh any costs.

Participant Rights

Confidentiality:

Local diversion programs should specify to the potential participant at the time of entry precisely what information might be released, in what form it might be released, under what conditions it might be released and to whom it might be released, both during and after participation. Under current Nebraska law a juvenile must complete a release of information to allow the program to share information with providers.

Voluntary

A juvenile diversion program shall permit participation by a juvenile only on a voluntary basis. The juvenile may also voluntarily withdraw from the program at any time before completion and be remanded to the court system without prejudice during the ordinary course of prosecution.

Diversion Agreement

A juvenile diversion participant shall be provided a written juvenile diversion agreement and be informed of the requirements for successful completion.

Right to Counsel

A potential participant shall have the right to review with counsel, at the participant's expense, the merits of his or her case and the diversion requirements and guidelines prior to making the decision to participate.

Guilty Plea

Statements or information divulged during diversion are confidential, subject to statutory and constitutional conditions. Admission of guilt is not required to participate in a diversion program, and incriminating statements made by a juvenile participant during diversion shall not be used later against the declarant.

Inability to Pay

No eligible juvenile shall be denied participation due to financial inability to pay the costs of diversion. The diversion program should allow for sliding fee scales, waiving of fees, and/or scholarships when necessary.

Denial of Participation

Juveniles specifically requesting the opportunity to participate in the juvenile pretrial diversion program who are denied the opportunity shall have the right for administrative review and written reason for denial upon request.

Outcomes of Participation

The juvenile diversion participant shall be provided notification of possible outcomes of participation in the juvenile pretrial diversion program, which are (1) dismissal of the juvenile petition or criminal charges or equivalent if the juvenile successfully completes the program, or (2) if the participant does not successfully complete the diversion program, the case will be submitted to the court system.

Sealing of Records

Policies regarding the sealing of juvenile records should be made available in written form to youth and guardians when they are referred to the juvenile pretrial diversion program. The written document should clearly convey that although records are sealed upon successful completion of the program, under state law information can be made available to others under specific situations and circumstances.

Program Duration

It is important to be mindful of program duration. Regular and consistent monitoring of a juvenile's progress towards achieving goals and desired outcomes helps ensure they are following the terms of their diversion agreement and staying on path towards successful program completion. This is also helpful in identifying any reasons for a juvenile's failure to comply with the conditions of the program that can be resolved so they continue towards successful program completion. A timeline for completion of program conditions is recommended to ensure juveniles are not kept in the program for an unnecessary amount of time, as this has been shown to result in negative outcomes for juveniles. A timeline helps maintain a connection for the juvenile between the behavior that lead to their offense and the requirements of their diversion program. This helps ensure interventions are meaningful and effective. Information obtained through screening and assessment instruments is often time sensitive. Extensive program duration may necessitate the reimplementation of screening and/or assessment instruments to update and review the appropriateness of services.

43-260.04 Juvenile pretrial diversion program; requirements:
A juvenile pretrial diversion program shall:
(2) Permit participation by a juvenile only on a voluntary basis and shall include a juvenile diversion agreement described in section 43-260.06;
(3) Allow the juvenile to consult with counsel prior to a decision to participate in the program;
(6) Result in dismissal of the juvenile petition or criminal charges if the juvenile successfully completes the program;
(8) Require information received by the program regarding the juvenile to remain confidential unless a release of information is signed upon admission to the program or is otherwise authorized by law.

See 43-2,108.03 for Sealing of Records

Program Requirements

Screening and Assessment

Screening and assessment will drive the diversion plan and extent of intervention. Screening and assessment tools are important for risk, mental health, and substance abuse screenings.

> **43-260.04(5) Juvenile pretrial diversion program; requirements:**
> A juvenile pretrial diversion program shall:
> (5) Provide screening services for use in creating a diversion plan utilizing appropriate services for the juvenile

Screening and assessment tools can be used to assess the risk of future harm to self or others; the needs, strengths, and problem areas for a given youth; and special considerations related to behavioral and/or mental health problems. Consider the following questions when assessing the need for screening and assessment of an eligible youth:

1. Can the youth be safely diverted? Identify risk of harm to others or reoffending risk. Establish criteria for "eligibility" for diversion first
    a. If eligible, conduct risk screening
    b. Develop a decision-rule
        i. E.g., if youth scores "low" or "moderate" risk = divert.
        ii. If diverted, conduct further behavioral health screening.
2. If so, diverted to what?
    a. Identify behavioral health needs: need for mental health services, substance use services, family/school/community interventions.

Screenings refer to a brief process, often involving no more than 10-15 minutes per youth. The purpose is to determine youth who warrant immediate attention and intervention, and youth who may need a more comprehensive review.

Screening is used with every youth that will be diverted at a front-end diversion decision point. Screenings are useful for identifying additional assessments or targeted interventions for youth. In the context of risk, screening will provide a cursory risk level without explanation about what is driving the youth's offending. Screening will sort youth into two categories: 1) very unlikely to have behavioral health needs, and 2) smaller group that might have behavioral health needs, and should then receive an assessment.

Various types of screening tools may be important for use by the diversion program, including:

- Risk screening: these tools are used to determine the likelihood a given juvenile will re-offend.
- Mental health screening: these tools help identify mental health symptoms in need of immediate response, such as suicide risk, while also targeting youths that may require further evaluation.
- Substance use screening: these tools help identify youth who warrant further attention because they may have a substance abuse problem.

Assessment refers to a more comprehensive review. If screening suggests a youth needs further evaluation, an assessment may be used in this smaller number of cases to offer a more comprehensive, individualized, and in-depth examination of the needs and strengths identified during an initial screening. This may include the type and extent of mental health issues or substance use disorders, other problems/issues associated with the disorders, skill sets, strengths, and recommendations for services and intervention. Assessments typically require individualized data collection, including past records, interviews, and collateral information.

Assessment is a follow up on youth "screened-in" to make decisions about individualized need for interventions, like mental health treatment and substance abuse treatment.

! Best Practice: It is important for diversion programs to have a written screening and assessment protocol followed by all staff. Doing so will ensure staff know when the screening tools will be utilized in the process, and if needed, when an assessment or further evaluation should be required.

Diversion programs should choose screening and assessment tools that are evidence-based and implement them with fidelity. The tools need to be reliable and valid. There must be evidence they produce dependable scores and measure what they claim to measure for the population being served. Some assessments require specialized training, education, and/or licensure to conduct.

Why the screen then assess strategy is financially responsible

Assessment tools are more comprehensive, take more time, and cost more. Assessment tools typically require more training with everyone that touches that tool, along with 6 month boosters.

Screening tools are brief (e.g. 10 minutes), are capable of being given by general diversion staff, fit well into a routine intake process, and are less expensive or free.

Confidentiality of the information obtained through screening and assessment is an important consideration.

Possible Instruments:

Risk Screening Instruments:

- Arizona Risk-Needs Assessment (ARNA)
- Nebraska Youth Screen (NYS)
- Youth Level of Service/Case Management Inventory Screening Version (YLS/CMI)
- Early Assessment Risk List (EARL)

Mental Health and Substance Abuse Screening Instruments:

- Massachusetts Youth Screening Instrument (MAYSI-2)
- Global Appraisal of Individual Needs-Short Screener (GAIN-SS)
- CRAFFT Screen for Substance Abuse (Car, Relax, Alone, Forget, Friends, Trouble)

Assessment Instruments:

- Youth Level of Service/Case Management Inventory (YLS/CMI)

- Juvenile Inventory for Functioning (JIFF)
- School Refusal Survey

Diversion Agreement

Once a youth agrees to participate in diversion, they are agreeing to abide by conditions and responsibilities associated with program participation. These conditions should be clearly reflected in a formal written agreement between the youth, the family, and the diversion program.

Written agreements are recommended to contain the following:

- Measureable objectives and conditions to be met by the youth are reasonable and achievable, defined in detail and provide a timeline for completion;
- A formal process for reviewing and monitoring compliance;
- A system of rewards for compliance and sanctions for noncompliance;
- A statement of the agreement's duration;
- Verification that victim input was sought and taken into account;
- Verification that the youth and caretaker were notified of their right to refuse diversion.

Diversion Requirements

The diversion requirements are designed to meet the goals of the juvenile pretrial diversion program. Several activities should be available, and the activities the juvenile is required to complete must match the needs of the youth and should be relevant to the alleged offense when appropriate. However, there are certain requirements that can apply to each diverted offense and individual participant, such as community service hours and refraining from subsequent law violations.

Victim apology, when applicable

If appropriate, the juvenile can be required to apologize to the victim, either in writing or in person.

Mediation

If appropriate, mediation allows youth and their victims an opportunity to work together to heal the damage done.

Completion of screenings and assessments

The completion of screenings and assessments will help identify the needs of the juvenile and the best suited diversion requirements.

Chemical dependency evaluation/assessment

If it is determined the youth has a potential substance abuse problem then an evaluation is appropriate.

Community service

Community Service is most effective when it is meaningful. Community service should be of value to the community and benefit the person providing the service. Provide juvenile offenders with opportunities to choose what type of community service they want to participate in that would be most impactful to them. This will help them learn responsibility, a sense of community, and a connection to others.

Participation in diversion classes

Diversion programs should include a comprehensive educational component for youth and their families. An array of education classes should include areas of life skills, relationship skills, and community involvement.

Participation in community resource programs and counseling

A juvenile participant can be referred to professional counseling services if deemed necessary. Collaboration with community agencies is essential in providing counseling services to youth and their families.

Restitution, when applicable

Paying restitution, when appropriate, will help teach juveniles to be responsible for their actions, and is an important component of juvenile diversion programs.

No re-offenses while in the program

One of the goals of juvenile pretrial diversion is to reduce recidivism. The juvenile should not commit another crime while participating in diversion.

Monitoring of academic performance and attendance

Some youth offenders may be at risk of poor academic performance due to truancy issues. Failure in school performance and poor school attendance can lead to involvement in the juvenile justice system, poor social skills, and affiliations with deviant peers or behavior. Monitoring school performance and attendance, or encouraging work toward a GED should be a component when necessary.

Payment of all program fees and court costs, if filed

Ensure no juvenile is denied the opportunity of diversion due to inability to pay.

Active parental involvement

Parental involvement in juvenile pretrial diversion is vital. The involvement of the parents will provide interaction between the juvenile and the parents outside of the home and in a positive environment. Parental support encourages the juvenile to complete the program requirements. Chaotic home life and parental use of alcohol and other drugs may contribute to youth becoming involved in the juvenile justice system. Parents need to understand how ineffective parenting of youth with difficult temperaments and conduct disorders contributes to involvement in the juvenile justice system. Offer parent education classes to assist parents in developing stronger communication and discipline skills.

The diversion agreement signed by the juvenile should also be signed by a parent or legal guardian for legal purposes and to ensure the parents are aware of the juvenile's activities.

Other Requirements

Curfew Restrictions

Completion of a release of information form and other diversion forms

Signing of the diversion agreement

Random drug testing

Attendance at scheduled program appointments

43-260.06 Juvenile diversion agreement; contents
A juvenile diversion agreement shall include, but not be limited to, one or more of the following:
(1) A letter of apology;
(2) Community service, not to be performed during school hours if the juvenile offender is attending school;
(3) Restitution;
(4) Attendance at educational or informational sessions at a community agency;
(5) Requirements to remain during specified hours at home, school, and work and restrictions on leaving or entering specified geographical areas; and
(6) Upon agreement of the victim, participation in juvenile offender and victim mediation

The juvenile diversion programs should also consider the following activities recommended by Nebraska Statute:

43-260.05 Juvenile pretrial diversion program; optional services
A juvenile pretrial diversion program may:
(1) Provide screening services to the court and county attorney or city attorney to help identify likely candidates for the program;
(2) Establish goals for diverted juvenile offenders and monitor performance of the goals;
(3) Coordinate chemical dependency assessments of diverted juvenile offenders when indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;
(4) Coordinate individual, group, and family counseling services;
(5) Oversee the payment of victim restitution by diverted juvenile offenders;
(6) Assist diverted juvenile offenders in identifying and contacting appropriate community resources;
(7) Coordinate educational services to diverted juvenile offenders to enable them to earn a high school diploma or general education development diploma; and
(8) Provide accurate information on how diverted juvenile offenders perform in the program to the juvenile courts, county attorneys, city attorneys, defense attorneys, and probation officers.

Services

The diversion program will need to consider what services, if any, will be provided to the youth through referrals to community-based resources, as well as how those services will be administered. Services may be provided directly by the diversion program, referred out to community partners, or a combination of both.

An inventory of community services should be completed to determine what services are available. A community guide of juvenile services would benefit the program implementation of possible services necessary in order to provide the best outcomes. It would provide a basis of understanding for those juveniles and families regarding what services are actually available in the community. Collaboration with Probation Administration to share service providers is also advised.

Some potential resources to assist in the development of services include:

- The Community Planning Team Partners
- Any community resources that service youth and families
- Faith based community members
- United Way Agencies
- Cooperative Extension Services
- Local library
- Probation staff
- Other diversion programs

An agreement or memorandum of understanding between the program and community service providers may better facilitate services to the youth.

When assessing services, ensure the services match the needs of the client. It is recommended the diversion program encourage or require the youth's family to participate in services.

Services might include:

- Family interventions: family counseling, mediation, Multi-Systemic Therapy, Functional Family Therapy, Brief Strategic Family Therapy, Multi-Dimensional Family Therapy
- Substance use/abuse interventions: outpatient and residential services, evaluations, treatment plans
- Mental Health interventions: crisis intervention, evaluations, treatment plan, individual/group counseling, inpatient
- Case management
- Mentoring
- Life Skills Training
- Educational Programs, Anger Management, Alive at 25, Victim's Panels
- Job Training-through Vocational Rehabilitation
- Supervised Community Service Projects

- ! Best Practice: Ensure youth participating in educational classes or interventions participate with youth of a similar risk level; mixing youth of different risk levels can cause harm and poorer outcomes.
- ! Best practice: When families and support systems are required to participate, the youth and family will have better outcomes in diversion.

Incentives

Diversion programs typically use incentives to motivate youth and their caretakers to fully engage in the diversion process.

The primary incentives diversion programs offer include:

- No further legal action
- Reduced program requirements, less community service hours, shortened length of program
- Reimbursement of diversion fee
- Other:
    - Curfew restrictions lifted or extended to a later time
    - Activity passes
    - Gas vouchers for youth or families if necessary
    - Food vouchers if necessary
    - Hand written encouragements or certificates mailed or presented in a special way recognizing accomplishments.

The diversion program should consider what leads to successful completion of the diversion program and what incentives are feasible. Some incentives require no funding, while other incentives may require creativity in using donations or grant funding.

Program Termination

Some youth may have trouble fulfilling the terms of their diversion, either by failing to comply with the program's requirements or by declining to participate all together. Creating program adjustments that recognize obstacles a youth may face, such as transportation issues and lack of family support, may be necessary. Before terminating a youth from diversion and referring them back to the court system, all efforts should be made to ensure the required terms were reasonable and feasible.

Program Completion

The diversion program must establish a formal procedure that will define when a youth has successfully completed the terms of their diversion program as it relates to the diverted offense.

The program should have clear expectations that are explained to the youth and their caretakers at the outset of the program, leaving room for flexibility in terms of how well the youth is doing in the program.

The program may want to provide performance-based criteria, while also providing for time-based criteria that sets a maximum time period in the program.

There are several ways a program may monitor a youth, ranging from minimal monitoring to intense monitoring, with the purpose of ensuring the youth is following the terms of their diversion agreement and staying on a path to successful completion:

- Minimal monitoring by a case manager: monitoring only through contacts with the youth and caretaker
- As-needed reporting via phone call or email communication: establishing an agreement between the diversion program and the service provider working with the youth that contact will be made should the youth receiving services fail to attend
- Formal reporting of progress via documented email reports: having reporting arrangements in place with the community resource provider to which the youth is referred
- Reporting monitor: having a procedure in place to detect whether the youth has made contact with services offered within the community
- Regularly schedule meetings with case manager
- Parental contact via phone, texting or email
- School reports via Power School
- Attendance reports via Power School

Cultural Considerations

Considerations should be given to try and understand how culture shapes a youth's behavior and response in certain situations. Service recommendations should not be based solely on the professional's own cultural and childhood/adolescent experiences. The diversion program should incorporate cultural awareness training in their policies and procedures. Programs should monitor equity across decision points. Cultural bonding to the participant's cultural community should be encouraged when appropriate.

The diversion program should take reasonable steps to provide language assistance services that ensure meaningful access for limited English proficient participants and/or the participant's parent/guardian, at no additional cost to the participant.[5]

"Cultures differ in their languages, values, codes of behavior, customs, beliefs, knowledge, symbols, myths and stories, and institutions. Without an understanding of these differences, professionals may attach erroneous meanings to behaviors they do not understand. They may also fail to acknowledge the strengths inherent in a youth's culture that might be used to facilitate progress in treatment." (Excerpt taken from the Juvenile Drug Courts: Strategies in Practice)

[5] Reference http://www.lep.gov/ for more information.

Data Reporting and Case Management

Nebraska juvenile pretrial diversion programs will utilize the Juvenile Diversion Case Management System (JDCMS) through Nebraska Criminal Justice Information System (NCJIS) to ensure juvenile participant information is collected and kept confidential. Data from the JDCMS will allow the Crime Commission to generate statistical reports to meet state and federal reporting requirements. Reports will be provided within the application for the agency's use. Data sharing on individuals involved in juvenile diversion will be provided through the NCJIS. The use of information obtained during the youth's participation in the diversion program should only be used to improve services and outcomes for youth.

Under current Nebraska law, local county and city attorneys must report information pertaining to their diversion program required by rules and regulations adopted and promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice. Individual diversion programs and local county attorneys and city attorneys have agreed to maintain same-time data to ensure best practices. This task is accomplished by a shared memorandum of understanding between the Nebraska Crime Commission and the county and city attorney.

> **43-260.07 Juvenile pretrial diversion program; data; duties.**
> (1) On January 30 of each year, every county attorney or city attorney of a county or city which has a juvenile pretrial diversion program shall report to the Director of Juvenile Diversion Programs the information pertaining to the program required by rules and regulations adopted and promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice.
> (2) Juvenile pretrial diversion program data shall be maintained and compiled by the Director of Juvenile Diversion Programs.

Proper case management will include coordinating services and supervision that will help youth address problems and develop the attitudes and skills needed to make responsible choices, avoid negative behaviors, and become productive connected and law abiding members of their communities. Monitoring of the youth's progress throughout the program is necessary to ensure progress is being made to successfully complete the program requirements. It is necessary to intervene with the youth when proper progress is not being made.

Program Quality

It is important to maintain focus on the diversion program's development and maintenance to ensure continued quality and program fidelity.

Program Policies and Procedures

Every diversion program should adhere to the written policies and procedures outlined in their program manual. Said policies and procedures should include, but not limited to:

- Diversion program personnel should have ongoing training based in evidence-based practices. At least six hours of training for new diversion personnel, and then four hours annually thereafter is recommended.

- Programs are required to enter participant data into JDCMS as frequently as possible.

Program Integrity

Programs are encouraged to conduct a process evaluation at least every four years, so the results may be shared with their local community planning team. (Ex: How many youth were referred compared to the number of juvenile law violations; program success rates, what was the experience or flow of juveniles going through the program).

To ensure the diversion program is meeting its objectives and goals, periodic evaluations should take place. The Juvenile Diversion Case Management System (JDCMS) should be utilized to generate quarterly reports and share reports with stakeholders (like the Crime Commission and county board).

Evaluations to ensure continuing quality and program fidelity could include:

- Program fidelity may include how faithful the program was to evidence-based practices or a particular evidence-based model.
- Long term goals should include a reduction of recidivism, but other long term goals may include graduation or school attendance for programs running truancy programs.
- Short term goals may include pre and post-tests measuring specific skills, attitudes, knowledge, or behaviors the program was designed to impact.
- Other evaluations could include an analysis of:
  - Provision of services
  - Reduction of system costs
  - Increased successful outcomes for the youth
  - Increased accountability
  - Reduction in labeling and its effects on delinquency
  - Reduction in unnecessary social control

Outcome Evaluation

Processes should be established for ongoing review of service quality, performance, tracking of outcome measures, and identifying areas for improvement through the review of data. Identify logical frequency of data reviews as some may be necessary to track monthly, quarterly, annually, etc. Types of data to review can include: program specific data as tracked in JDCMS and identified as outcome performance measures, case records, consumer satisfaction for entire program and/or program components, stakeholder satisfaction, financial data, incident report data, etc.

Appendix

Definitions

3(a) Case: Refers to a case filed under Nebraska Revised Statute 43-247(3)(a) which alleges a juvenile is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian is unable to provide or neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation, including prostitution, dangerous to life or limb or injurious to the health or morals of such juvenile.

3(b) Case: Refers to a case filed under Nebraska Revised Statute 43-247(3)(b) which alleges a juvenile is, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school.

Adjudication: A court proceeding similar to a trial, where the Judge decides if the charges are true.

Age of majority: Nineteen years of age.

Assessment: A comprehensive and individualized identification of needs for only those youth whose screening results suggest a more thorough identification is necessary. The assessment will be used to identify and prioritize service goals, develop a service plan, and determine the appropriate level of supervision. An assessment differs from a screening, which is used to determine if an assessment is needed. See screening.

Case Management: The planning, coordination, adjustment, and advocacy for services and supports directed towards the achievement of goals.

Community service: Unpaid work, intended to be of social use, a juvenile offender is required to do. Often this is designed to involve a juvenile in the community, help them pay back a victim or to tap into some pro-social interests and hobbies the juvenile has.

Court Order: Legal document reporting the Judge's findings

Crossover Youth: Refers to youth who "crossover" between the child welfare and juvenile justice systems.

Custodial Parent: A parent who is given physical and/or legal custody of a child by court order.

Custodian: A nonparental caretaker having physical custody of the juvenile and includes an appointee;

Custody: May mean physical detention, and/or legal or physical control over a juvenile.

Defendant: The party charged with a crime.

Diversion: The process of diverting or redirecting youth away from formal processing in the juvenile justice system who would otherwise be adjudicated, while still holding them accountable for their actions by providing a continuum of requirements to complete to earn the dismissal, or its equivalent, of the diverted offense.

Drug or Alcohol Screen (UA): A method of examining urine, to detect the presence of specific substances, such as marijuana or alcohol. This may include a panel of 5-7 drugs being tested at any one time.

Enrolled: A juvenile who has gone through the processes of referral and intake is required to sign a contract or an agreement stating their intentions to participate, and their willingness to comply with the diversion program's expectations and policies.

Evidence-based program and/or practice: A program that can demonstrate it effectively prevents or deters youth from involvement in the juvenile or criminal justice system. See Evidence-Based Practice Practices Resources in Appendix.

Family engagement: Actively engaging families in decision-making, setting goals, and other meaningful ways to support their child's ongoing development. Family engagement is both motivating and empowering for families as their working towards positive change.

Felony: A crime sufficiently serious to be punishable by a term in state or federal prison.

Formal processing: Cases appear on the official court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the juvenile court to adjudicate a youth as a delinquent, status offender, or dependent child or to waive jurisdiction and transfer a youth to criminal court for processing as a criminal offender.

Gender-specific services: Services designed to promote healthy attitudes, behaviors, and lifestyles, and promote social competence in girls. Key program elements generally address issues in the context of relationships to peers, family, school, and community.

Guardian: A person, other than a parent, who has qualified by law as the guardian of a juvenile pursuant to testamentary or court appointment, but excludes a person who is merely a guardian ad litem.

Intake: The process of taking in information from a juvenile who has engaged a program. Often it is at this point a youth of family indicates they would like to part of the diversion program. This process may or may not be a face-to-face meeting.

Intervention: Programs or services are intended to disrupt the delinquency process and prevent a youth from penetrating further into the juvenile justice system.

Joint Legal Custody: The mutual authority and responsibility of the parents for making mutual fundamental decisions regarding the child's welfare, including choices regarding education and health.

Joint Physical Custody: mutual authority and responsibility of the parents regarding the child's place of residence and the exertion of continuous blocks of parenting time by both parents over the child for significant periods of time

Juvenile court: The separate juvenile court where it has been established and the county court sitting as a juvenile court in all other counties.

Juvenile delinquency: Participation in illegal behavior by a minor who falls under the statutory age limit.

Juvenile: Any person under the age of eighteen.

Legal custody: The authority and responsibility for making fundamental decisions regarding the child's welfare, including choices regarding education and health;

Memorandum of understanding (MOU): An interagency agreement whose purpose is to enable all parties to facilitate the conduct of certain efforts of mutual interest. For example, an MOU between a police department and a school system would specify the types of information to be shared, state the terms of the agreement, and include the signatures of all parties to the agreement.

Mental health disorder: Any clinically significant behavioral or psychological syndrome characterized by the presence of distressing symptoms, impairment of functioning, or significantly increased risk of death, pain, disability, or loss of freedom. The concept does not include deviant behavior, disturbances that are essentially conflicts between the individual and society, or expected and culturally sanctioned responses to particular events.

Mentoring: A process in which the mentor serves as a role model, trusted counselor, or teacher, who provides opportunities for development, growth, and support to less experienced individuals.

Misdemeanor: A lesser crime punishable by a fine and/or county jail time for up to one year

Noncustodial Parent: A parent who is not given physical and/or legal custody of a child by court order.

Parties: The juvenile and his or her parent, guardian, or custodian.

Petition: A legal paper, filed by the county attorney's office explaining why the juvenile is being brought to court.

Physical custody: Authority and responsibility regarding the child's place of residence and the exertion of continuous parenting time for significant periods of time.

Prevention: Programs, research, or other initiatives to prevent or reduce the incidence of delinquent acts directed to youth at risk of becoming delinquent to prevent them from entering the juvenile justice system or to intervene with first-time and nonserious offenders to keep them out of the juvenile justice system. This program area excludes programs targeted at youth already adjudicated delinquent, on probation, and in detention.

Recidivism: The extent to which the youth reoffends or commits a crime after receiving juvenile justice services or completing a diversion program.

Referral: When a county attorney or city attorney recommend a juvenile be sent to a diversion program in lieu of prosecuting a law violation.

Restitution: Monies that may be required as part of their juvenile diversion program to pay a victim back for damage caused.

Restorative Justice: A theory of justice emphasizing repairing the harm caused by the juvenile's criminal behavior.

Screening: A method of identifying potential risk at the initial point of system contact for youth who might require an immediate response and need for further assessment. Screening is intended to screen through a total number of youth in order to identify those with a higher likelihood of risk. This is contrasted with an assessment to diagnose a mental health disorder, which would occur after screening. See assessment.

Seal a record: A record shall not be available to the public except upon the order of a court upon good cause shown. See Nebraska Revised Statute 43-2, 108.01.

Service providers: Agencies, individuals and organizations who provide community based treatment or supervision services.

Stakeholders: Persons who have a vested interest in a diversion program (youth, parents, Juvenile Court Judge, County Attorney, City Attorney, Diversion Coordinator, Faith based community members, Civic and business community partners, and Law Enforcement Officials, etc.)

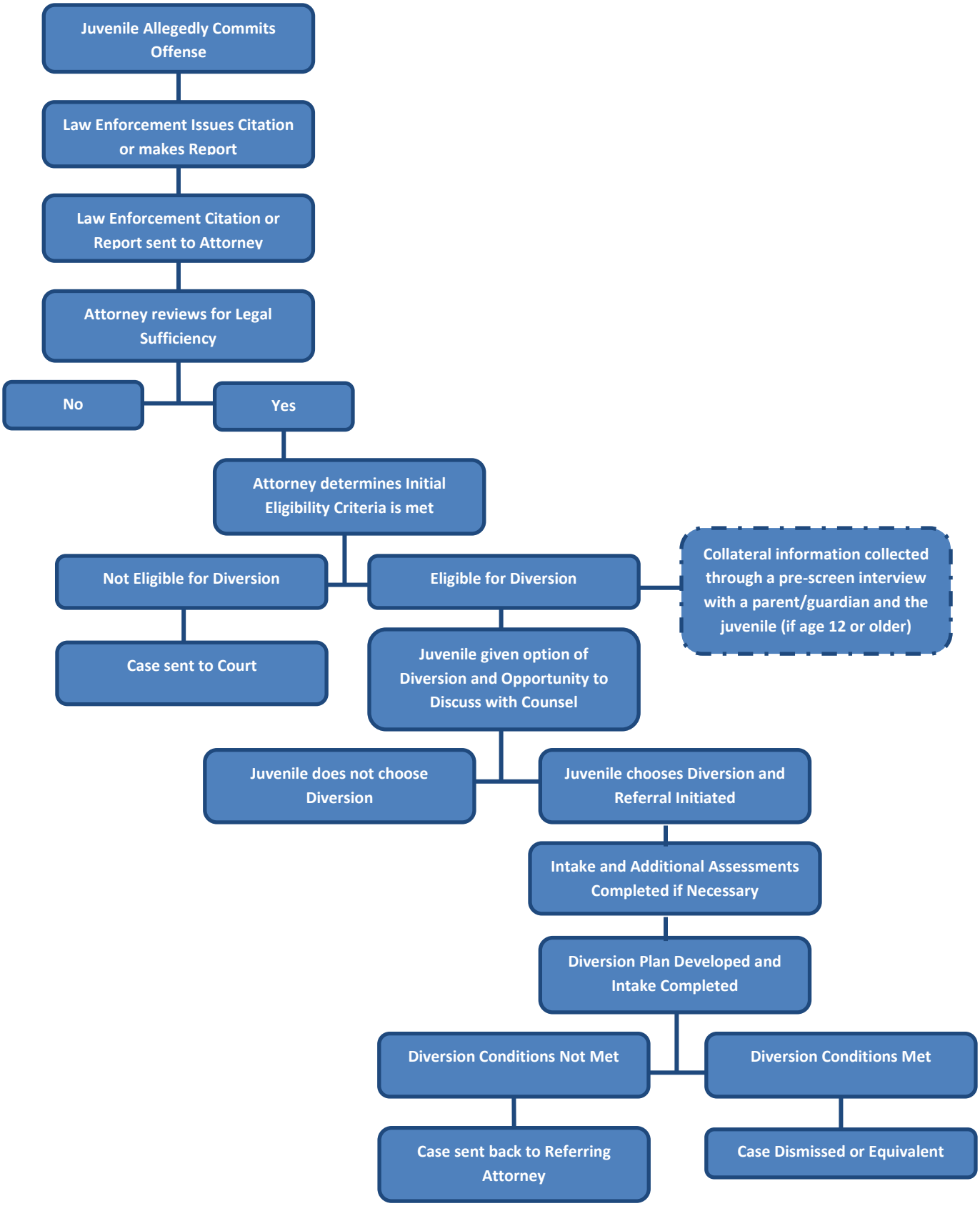
Status offender: A juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult: i.e. not going to school, curfew violation, running away from home and/or for being uncontrollable by parents.

Traffic offense: means any nonfelonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction.

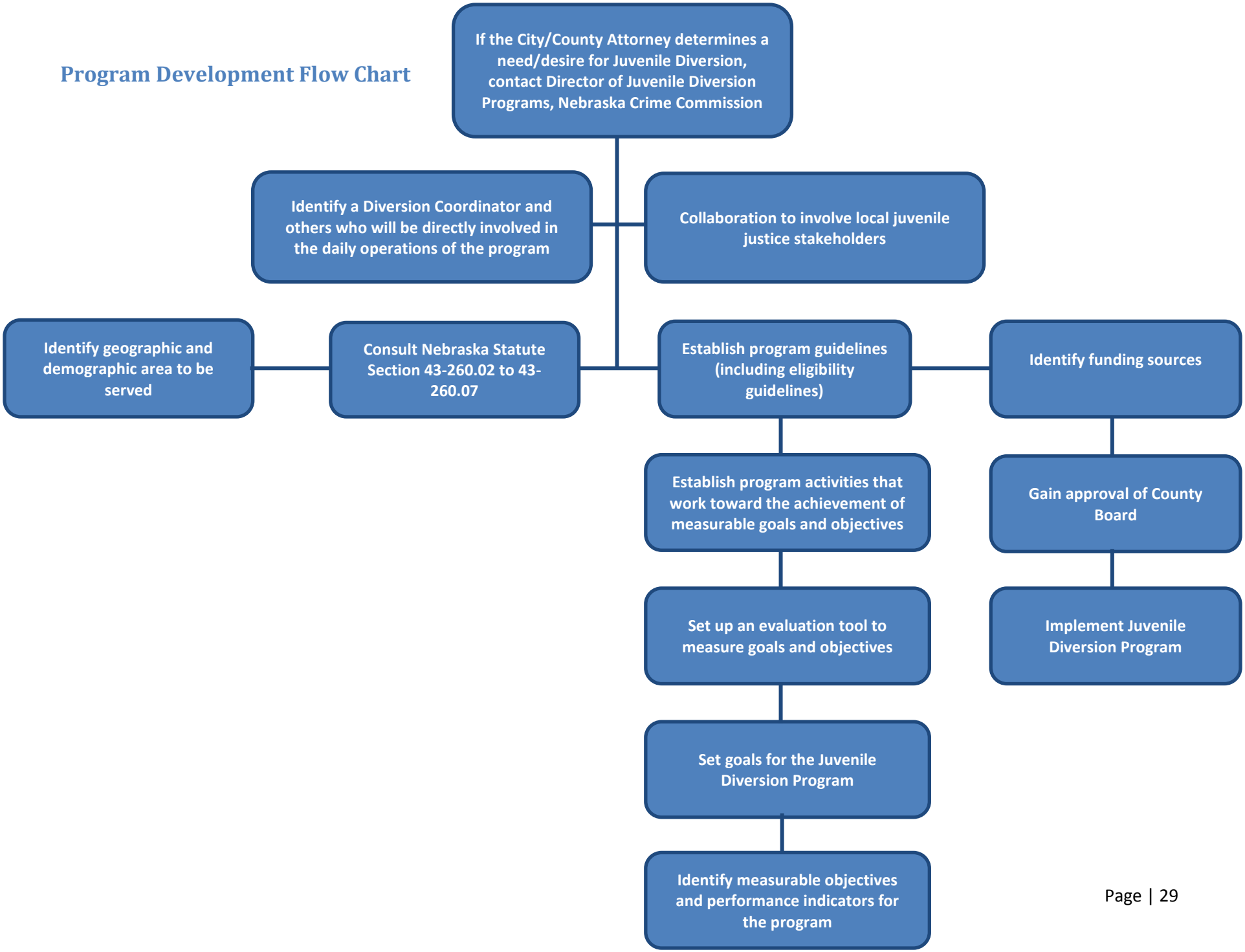
Truancy: Any unexcused absence from school is considered a truancy. State law determines 1) the age at which a child is required to begin attending school, 2) the age at which a child may legally drop out of school, and 3), the number of unexcused absences at which a student is considered legally truant.

Victim Offender Mediation: A face to face meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed the crime to discuss what happened and how it affected them. A mutually agreed upon plan may be developed to repair the harm caused, and become part of the juvenile's diversion plan.

Diversion Process Flow Chart



Program Development Flow Chart



Nebraska Revised Statutes

43-260.02. Juvenile pretrial diversion program; authorized.
A county attorney may establish a juvenile pretrial diversion program with the concurrence of the county board. If the county is part of a multicounty juvenile services plan under the Nebraska County Juvenile Services Plan Act, the county attorney may establish a juvenile pretrial diversion program in conjunction with other county attorneys from counties that are a part of such multicounty plan. A city attorney may establish a juvenile pretrial diversion program with the concurrence of the governing body of the city. Such programs shall meet the requirements of sections 43-260.02 to 43-260.07.
(Cross References: Nebraska County Juvenile Services Plan Act, see section 43-3501)

43-260.03. Juvenile pretrial diversion program; goals.
The goals of a juvenile pretrial diversion program are:

(1) To provide eligible juvenile offenders with an alternative program in lieu of adjudication through the juvenile court;
(2) To reduce recidivism among diverted juvenile offenders;
(3) To reduce the costs and caseload burdens on the juvenile justice system and the criminal justice system; and
(4) To promote the collection of restitution to the victim of the juvenile offender's crime.

43-260.04. Juvenile pretrial diversion program; requirements.
A juvenile pretrial diversion program shall:

(1) Be an option available for the county attorney or city attorney based upon his or her determination under this subdivision. The county attorney or city attorney may use the following information:
    (a) The juvenile's age;
    (b) The nature of the offense and role of the juvenile in the offense;
    (c) The number and nature of previous offenses involving the juvenile;
    (d) The dangerousness or threat posed by the juvenile to persons or property; or
    (e) The recommendations of the referring agency, victim, and advocates for the juvenile;
(2) Permit participation by a juvenile only on a voluntary basis and shall include a juvenile diversion agreement described in section 43-260.06;
(3) Allow the juvenile to consult with counsel prior to a decision to participate in the program;
(4) Be offered to the juvenile when practicable prior to the filing of a juvenile petition or a criminal charge but after the arrest of the juvenile or issuance of a citation to the juvenile if after the arrest or citation a decision has been made by the county attorney or city attorney that the offense will support the filing of a juvenile petition or criminal charges;
(5) Provide screening services for use in creating a diversion plan utilizing appropriate services for the juvenile;
(6) Result in dismissal of the juvenile petition or criminal charges if the juvenile successfully completes the program;
(7) Be designed and operated to further the goals stated in section 43-260.03 and comply with sections 43-260.04 to 43-260.07; and
(8) Require information received by the program regarding the juvenile to remain confidential unless a release of information is signed upon admission to the program or is otherwise authorized by law.

43-260.05. Juvenile pretrial diversion program; optional services.

A juvenile pretrial diversion program may:

(1) Provide screening services to the court and county attorney or city attorney to help identify likely candidates for the program;

(2) Establish goals for diverted juvenile offenders and monitor performance of the goals;

(3) Coordinate chemical dependency assessments of diverted juvenile offenders when indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;

(4) Coordinate individual, group, and family counseling services;

(5) Oversee the payment of victim restitution by diverted juvenile offenders;

(6) Assist diverted juvenile offenders in identifying and contacting appropriate community resources;

(7) Coordinate educational services to diverted juvenile offenders to enable them to earn a high school diploma or general education development diploma; and

(8) Provide accurate information on how diverted juvenile offenders perform in the program to the juvenile courts, county attorneys, city attorneys, defense attorneys, and probation officers.

43-260.06. Juvenile diversion agreement; contents.

A juvenile diversion agreement shall include, but not be limited to, one or more of the following:

(1) A letter of apology;

(2) Community service, not to be performed during school hours if the juvenile offender is attending school;

(3) Restitution;

(4) Attendance at educational or informational sessions at a community agency;

(5) Requirements to remain during specified hours at home, school, and work and restrictions on leaving or entering specified geographical areas; and

(6) Upon agreement of the victim, participation in juvenile offender and victim mediation.

43-260.07. Juvenile pretrial diversion program; data; duties.

(1) On January 30 of each year, every county attorney or city attorney of a county or city which has a juvenile pretrial diversion program shall report to the Director of Juvenile Diversion Programs the information pertaining to the program required by rules and regulations adopted and promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice.

(2) Juvenile pretrial diversion program data shall be maintained and compiled by the Director of Juvenile Diversion Programs.

81-1427. Director of Juvenile Diversion Programs; appointment; duties.

(1) There is established within the Nebraska Commission on Law Enforcement and Criminal Justice the position of Director of Juvenile Diversion Programs to be appointed by the executive director of the commission.

(2) The Director of Juvenile Diversion Programs shall be supervised by the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice. The director shall be responsible for fostering, promoting, researching, and assessing juvenile pretrial diversion programs and developing new programs in collaboration with cities and counties pursuant to sections 43-260.02 to 43-260.07. The director shall:

(a) Provide technical assistance and guidance to juvenile pretrial diversion programs for implementing evidence-based strategies or standardized, replicable practices that have been researched and have demonstrated positive outcomes;

(b) Develop a core juvenile pretrial diversion program packet for utilization by counties without a juvenile pretrial diversion program or counties without a district probation officer acting under section 29-2258;

(c) Establish baseline program guidelines for juvenile pretrial diversion programs based on evidence-based practices, principles, programs, and research, develop data collection and evaluation protocols, oversee statewide data collection, and generate an annual report on juvenile pretrial diversion programs;

(d) Develop relationships and collaborate with juvenile justice stakeholders involved in juvenile pretrial diversion programs, provide education and training as necessary, and serve on boards and committees when approved by the commission;

(e) Facilitate consistent communication and information-sharing among juvenile pretrial diversion program directors;

(f) Assist juvenile pretrial diversion program directors, county attorneys, district probation officers acting under section 29-2258, and county boards in developing policies and practices that achieve the goals of quality juvenile pretrial diversion programs;

(g) Assist in comprehensive community planning efforts as they relate to development of juvenile pretrial diversion programs;

(h) Develop and coordinate a statewide working group as a subcommittee of the Nebraska Coalition for Juvenile Justice to assist in regular strategic planning related to supporting, funding, monitoring, and evaluating the effectiveness of plans and programs receiving funds from the Community-based Juvenile Services Aid Program; and

(i) Assist the Director of the Community-based Juvenile Services Aid Program created under section 43-2404.01 in the review of Community-based Juvenile Services Aid Program applications as provided in section 43-2404.02.

43-274. County attorney; city attorney; preadjudication powers and duties; petition, pretrial diversion, or mediation; transfer; procedures.

(1) The county attorney or city attorney, having knowledge of a juvenile within his or her jurisdiction who appears to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and taking into consideration the criteria in section 43-276, may proceed as provided in this section.

(2) The county attorney or city attorney may offer pretrial diversion to the juvenile in accordance with a juvenile pretrial diversion program established pursuant to sections 43-260.02 to 43-260.07.

(3)

(a) If a juvenile appears to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts, the county attorney or city attorney may offer mediation to the juvenile and the victim of the juvenile's act. If both the juvenile and the victim agree to mediation, the juvenile, his or her parent, guardian, or custodian, and the victim shall sign a mediation consent form and select a mediator or approved center from the roster made available pursuant to section 25-2908. The county attorney or city attorney shall refer the juvenile and the victim to such mediator or approved center. The mediation sessions shall occur within thirty days after the date the mediation referral is made unless an extension is approved by the county attorney or city attorney. The juvenile or his or her parent, guardian, or custodian shall pay the mediation fees. The fee shall be determined by the mediator in private practice or by the approved center. A juvenile shall not be denied services at an approved center because of an inability to pay.

(b) Terms of the mediation agreement shall specify monitoring, completion, and reporting requirements. The county attorney or city attorney, the court, or the probation office shall be

notified by the designated monitor if the juvenile does not complete the agreement within the agreement's specified time.

(c) Terms of the agreement may include one or more of the following:

(i) Participation by the juvenile in certain community service programs;

(ii) Payment of restitution by the juvenile to the victim;

(iii) Reconciliation between the juvenile and the victim; and

(iv) Any other areas of agreement.

(d) If no mediation agreement is reached, the mediator or approved center will report that fact to the county attorney or city attorney within forty-eight hours of the final mediation session excluding nonjudicial days.

(e) If a mediation agreement is reached and the agreement does not violate public policy, the agreement shall be approved by the county attorney or city attorney. If the agreement is not approved and the victim agrees to return to mediation (i) the juvenile may be referred back to mediation with suggestions for changes needed in the agreement to meet approval or (ii) the county attorney or city attorney may proceed with the filing of a criminal charge or juvenile court petition. If the juvenile agrees to return to mediation but the victim does not agree to return to mediation, the county attorney or city attorney may consider the juvenile's willingness to return to mediation when determining whether or not to file a criminal charge or a juvenile court petition.

(f) If the juvenile meets the terms of an approved mediation agreement, the county attorney or city attorney shall not file a criminal charge or juvenile court petition against the juvenile for the acts for which the juvenile was referred to mediation.

(4) The county attorney or city attorney shall file the petition in the court with jurisdiction as outlined in section 43-246.01.

(5) When a transfer from juvenile court to county court or district court is authorized because there is concurrent jurisdiction, the county attorney or city attorney may move to transfer the proceedings. Such motion shall be filed with the juvenile court petition unless otherwise permitted for good cause shown. The juvenile court shall schedule a hearing on such motion within fifteen days after the motion is filed. The county attorney or city attorney has the burden by a preponderance of the evidence to show why such proceeding should be transferred. The juvenile shall be represented by counsel at the hearing and may present the evidence as to why the proceeding should be retained. After considering all the evidence and reasons presented by both parties, the juvenile court shall retain the proceeding unless the court determines that a preponderance of the evidence shows that the proceeding should be transferred to the county court or district court. The court shall make a decision on the motion within thirty days after the hearing. The juvenile court shall set forth findings for the reason for its decision. If the proceeding is transferred from juvenile court to the county court or district court, the county attorney or city attorney shall file a criminal information in the county court or district court, as appropriate, and the accused shall be arraigned as provided for a person eighteen years of age or older in subdivision (1)(b) of section 29-1816.

43-2,108.01. Sealing of records; juveniles eligible.

Sections 43-2,108.01 to 43-2,108.05 apply only to persons who were under the age of eighteen years when the offense took place and, after being taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation, the county attorney or city attorney (1) released the juvenile without filing a juvenile petition or criminal complaint, (2) offered juvenile pretrial diversion or mediation to the juvenile under the Nebraska Juvenile Code, (3) filed a juvenile court petition describing the juvenile as a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, (4) filed a criminal complaint in county court against the juvenile under state statute or city or village ordinance for misdemeanor or

infraction possession of marijuana or misdemeanor or infraction possession of drug paraphernalia, or (5) filed a criminal complaint in county court against the juvenile for any other misdemeanor or infraction under state statute or city or village ordinance, other than for a traffic offense that may be waived.

43-2,108.02. Sealing of records; notice to juvenile; contents.
For a juvenile described in section 43-2,108.01, the county attorney or city attorney shall provide the juvenile with written notice that:
(1) States in plain language that the juvenile or the juvenile's parent or guardian may file a motion to seal the record with the court when the juvenile has satisfactorily completed the diversion, mediation, probation, supervision, or other treatment or rehabilitation program provided under the Nebraska Juvenile Code or has satisfactorily completed the diversion or sentence ordered by a county court; and
(2) Explains in plain language what sealing the record means.

43-2,108.03. Sealing of records; county attorney or city attorney; duties; motion to seal record authorized.
(1) If a juvenile described in section 43-2,108.01 was taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation but no juvenile petition or criminal complaint was filed against the juvenile with respect to the arrest or custody, the county attorney or city attorney shall notify the government agency responsible for the arrest, custody, citation in lieu of arrest, or referral for prosecution without citation that no criminal charge or juvenile court petition was filed.
(2) If the county attorney or city attorney offered and a juvenile described in section 43-2,108.01 has agreed to pretrial diversion or mediation, the county attorney or city attorney shall notify the government agency responsible for the arrest or custody when the juvenile has satisfactorily completed the resulting diversion or mediation.
(3) If the juvenile was taken into custody, arrested, cited in lieu of arrest, or referred for prosecution without citation and charges were filed but later dismissed and any required pretrial diversion or mediation for any related charges have been completed and no related charges remain under the jurisdiction of the court, the county attorney or city attorney shall notify the government agency responsible for the arrest, custody, citation in lieu of arrest, or referral for prosecution without citation and the court where the charge or petition was filed that the charge or juvenile court petition was dismissed.
(4) Upon receiving notice under subsection (1), (2), or (3) of this section, the government agency or court shall immediately seal all records housed at that government agency or court pertaining to the citation, arrest, record of custody, complaint, disposition, diversion, or mediation.
(5) If a juvenile described in section 43-2,108.01 has satisfactorily completed such juvenile's probation, supervision, or other treatment or rehabilitation program provided under the Nebraska Juvenile Code or has satisfactorily completed such juvenile's diversion or sentence in county court:
(a) The court may initiate proceedings pursuant to section 43-2,108.04 to seal the record pertaining to such disposition or adjudication under the juvenile code or sentence of the county court; and
(b) If the juvenile has attained the age of seventeen years, the court shall initiate proceedings pursuant to section 43-2,108.04 to seal the record pertaining to such disposition or adjudication under the juvenile code or diversion or sentence of the county court, except that the court is not required to initiate proceedings to seal a record pertaining to a misdemeanor or infraction not described in subdivision (4) of section 43-2,108.01 under a city or village ordinance that has no possible jail sentence. Such a record may be sealed under subsection (6) of this section.
(6) If a juvenile described in section 43-2,108.01 has satisfactorily completed diversion, mediation, probation, supervision, or other treatment or rehabilitation program provided under the Nebraska Juvenile Code or has satisfactorily completed the diversion or sentence ordered by a county court, the

juvenile or the juvenile's parent or guardian may file a motion in the court of record asking the court to seal the record pertaining to the offense which resulted in such disposition, adjudication, or diversion of the juvenile court or diversion or sentence of the county court.

43-2,108.04. Sealing of records; notification of proceedings; order of court; hearing; notice; findings; considerations.

(1) When a proceeding to seal the record is initiated, the court shall promptly notify the county attorney or city attorney involved in the case that is the subject of the proceeding to seal the record of the proceedings, and shall promptly notify the Department of Health and Human Services of the proceedings if the juvenile whose record is the subject of the proceeding is a ward of the state at the time the proceeding is initiated or if the department was a party in the proceeding.

(2) A party notified under subsection (1) of this section may file a response with the court within thirty days after receiving such notice.

(3) If a party notified under subsection (1) of this section does not file a response with the court or files a response that indicates there is no objection to the sealing of the record, the court may: (a) Order the record of the juvenile under consideration be sealed without conducting a hearing on the motion; or (b) decide in its discretion to conduct a hearing on the motion. If the court decides in its discretion to conduct a hearing on the motion, the court shall conduct the hearing within sixty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the parties receiving notice under subsection (1) of this section and to the juvenile who is the subject of the record under consideration.

(4) If a party receiving notice under subsection (1) of this section files a response with the court objecting to the sealing of the record, the court shall conduct a hearing on the motion within sixty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the parties receiving notice under subsection (1) of this section and to the juvenile who is the subject of the record under consideration.

(5) After conducting a hearing in accordance with this section, the court may order the record of the juvenile that is the subject of the motion be sealed if it finds that the juvenile has been rehabilitated to a satisfactory degree. In determining whether the juvenile has been rehabilitated to a satisfactory degree, the court may consider all of the following:

(a) The age of the juvenile;

(b) The nature of the offense and the role of the juvenile in the offense;

(c) The behavior of the juvenile after the disposition, adjudication, diversion, or sentence and the juvenile's response to diversion, mediation, probation, supervision, other treatment or rehabilitation program, or sentence;

(d) The education and employment history of the juvenile; and

(e) Any other circumstances that may relate to the rehabilitation of the juvenile.

(6) If, after conducting the hearing in accordance with this section, the juvenile is not found to be satisfactorily rehabilitated such that the record is not ordered to be sealed, a juvenile who is a person described in section 43-2,108.01 or such juvenile's parent or guardian may not move the court to seal the

record for one year after the court's decision not to seal the record is made, unless such time restriction is waived by the court.

43-2,108.05. Sealing of record; court; duties; effect; inspection of records; prohibited acts; violation; contempt of court.
(1) If the court orders the record of a juvenile sealed pursuant to section 43-2,108.04, the court shall:

(a) Order that all records, including any information or other data concerning any proceedings relating to the offense, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, be deemed never to have occurred;

(b) Send notice of the order to seal the record (i) to the Nebraska Commission on Law Enforcement and Criminal Justice, (ii) if the record includes impoundment or prohibition to obtain a license or permit pursuant to section 43-287, to the Department of Motor Vehicles, (iii) if the juvenile whose record has been ordered sealed was a ward of the state at the time the proceeding was initiated or if the Department of Health and Human Services was a party in the proceeding, to such department, and (iv) to law enforcement agencies, county attorneys, and city attorneys referenced in the court record;

(c) Order all notified under subdivision (1)(b) of this section to seal all records pertaining to the offense;

(d) If the case was transferred from district court to juvenile court or was transferred under section 43-282, send notice of the order to seal the record to the transferring court; and

(e) Explain to the juvenile what sealing the record means verbally if the juvenile is present in the court at the time the court issues the sealing order or by written notice sent by regular mail to the juvenile's last-known address if the juvenile is not present in the court at the time the court issues the sealing order.

(2) The effect of having a record sealed under section 43-2,108.04 is that thereafter no person is allowed to release any information concerning such record, except as provided by this section. After a record is sealed, the person whose record was sealed can respond to any public inquiry as if the offense resulting in such record never occurred. A government agency and any other public office or agency shall reply to any public inquiry that no information exists regarding a sealed record. Except as provided in subsection (3) of this section, an order to seal the record applies to every government agency and any other public office or agency that has a record relating to the offense, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Upon the written request of a person whose record has been sealed and the presentation of a copy of such order, a government agency or any other public office or agency shall seal all records pertaining to the offense.

(3) A sealed record is accessible to law enforcement officers, county attorneys, and city attorneys in the investigation, prosecution, and sentencing of crimes, to the sentencing judge in the sentencing of criminal defendants, and to any attorney representing the subject of the sealed record. Inspection of records that have been ordered sealed under section 43-2,108.04 may be made by the following persons or for the following purposes:

(a) By the court or by any person allowed to inspect such records by an order of the court for good cause shown;

(b) By the court, city attorney, or county attorney for purposes of collection of any remaining parental support or obligation balances under section 43-290;

(c) By the Nebraska Probation System for purposes of juvenile intake services, for presentence and other probation investigations, and for the direct supervision of persons placed on probation and by the Department of Correctional Services, the Office of Juvenile Services, a juvenile assessment center, a criminal detention facility, a juvenile detention facility, or a staff secure juvenile facility, for an individual committed to it, placed with it, or under its care;

(d) By the Department of Health and Human Services for purposes of juvenile intake services, the preparation of case plans and reports, the preparation of evaluations, compliance with federal reporting requirements, or the supervision and protection of persons placed with the department or for licensing or certification purposes under sections 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's Residential Facilities and Placing Licensure Act;

(e) Upon application, by the person who is the subject of the sealed record and by persons authorized by the person who is the subject of the sealed record who are named in that application;

(f) At the request of a party in a civil action that is based on a case that has a sealed record, as needed for the civil action. The party also may copy the sealed record as needed for the civil action. The sealed record shall be used solely in the civil action and is otherwise confidential and subject to this section;

(g) By persons engaged in bona fide research, with the permission of the court, only if the research results in no disclosure of the person's identity and protects the confidentiality of the sealed record; or

(h) By a law enforcement agency if a person whose record has been sealed applies for employment with the law enforcement agency.

(4) Nothing in this section prohibits the Department of Health and Human Services from releasing information from sealed records in the performance of its duties with respect to the supervision and protection of persons served by the department.

(5) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person cannot be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection, the person may respond as if the offense never occurred. Applications for employment shall contain specific language that states that the applicant is not obligated to disclose a sealed record. Employers shall not ask if an applicant has had a record sealed. The Department of Labor shall develop a link on the department's web site to inform employers that employers cannot ask if an applicant had a record sealed and that an application for employment shall contain specific language that states that the applicant is not obligated to disclose a sealed record.

(6) Any person who violates this section may be held in contempt of court.

Evidence-based Practices Resources

Classification System for Evidence-Based Juvenile Justice Programs in Nebraska

I. **Model Program/ Fully Evidence-Based Practice** – The program satisfies the following five criteria:
    a. The program demonstrated effectiveness with a randomized experimental study (RCT) or

two quasi-experimental studies in which the treatment group showed a significant difference on the target outcome as compared to the control group.

b. The effect lasted for no less than 1 year after the intervention.
c. There is at least one independent replication with a RCT or two more quasi-experimental evaluations.
d. The combination of designs adequately addressed all the threats to internal validity (i.e., the design allowed for a strong inference of causality).
e. The program has produced no compromising negative side effects.

II. **Effective** – One RCT or two quasi-experimental designs document the program's effectiveness. Furthermore, an evaluator has replicated the program's effectiveness with an RCT design or two quasi-experimental designs but the researcher was not an independent investigator.

III. **Promising** – There has been one successful RCT or two quasi-experiments documenting the effectiveness of the program but there was no replication study available **OR** the program matches the dimensions of a successful meta-analysis practice.

IV. **Inconclusive** – There has been one successful RCT or two quasi-experimental evaluations of the program but there are contradictory findings in these or additional studies OR the program would be promising or effective but the effects are short in duration.

V. **Ineffective** – The RCT or two quasi-experimental evaluations failed to show significant differences between the treatment and control group.

VI. **Harmful** – The RCT or two quasi-experiments showed the control group scored higher on the targeted outcome than did the treatment group and the difference is statistically significant.

VII. **Insufficient Evidence** – There is no RCT or less than two quasi-experimental evaluations of the program to date.

Resource Links

Please reference the following sites for further definition, clarification, and examples you can relate to within your own community:

- Office of Justice Programs, National Institute of Justice: http://www.crimesolutions.gov/
- Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Model Programs Guide: http://www.ojjdp.gov/MPG/
- Shared Resources from the Public: http://www.findyouthinfo.gov/shared-resources
- Promising Practices Network: http://www.promisingpractices.net/
- Technical Assistance Partnership for Child and Family Mental Health: http://www.tapartnership.org/content/juvenileJustice/publications.php?id=topic10
- National Center for Mental Health and Juvenile Justice: http://www.ncmhjj.com/resources/default.shtml
- Guidebook: Measuring Success: A Guide to Becoming an Evidence-Based Practice: http://www.vera.org/pubs/measuring-success-guide-becoming-an-evidence-based-practice
- Vera Institute of Justice, Models for Change, Systems Reform in Juvenile Justice: http://www.vera.org/sites/default/files/resources/downloads/measuring-success-v2.pdf
- Guidebook: Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice : http://www.modelsforchange.net/index.html

- SAMHSA National Registry of Evidence-Based Programs and Practices: http://nrepp.samhsa.gov/
- Center for the Study and Prevention of Violence Institute of Behavioral Science, Blueprint Programs: http://www.colorado.edu/cspv/blueprints/
- Search Institute: http://www.search-institute.org/content/what-kids-need
- Foundation Strategy Group, Collective Impact: http://www.fsg.org/tabid/191/ArticleId/211/Default.aspx?srpush=true
- National Clearinghouse on Families & Youth: http://ncfy.acf.hhs.gov/tags/evidence-based-practice
- New Jersey, Listing of Evidence-Based Programs: http://www.state.nj.us/humanservices/das/prevention/curricula/EBP%20link%20page.pdf

Toolkit Links

Toolkit section is under construction. Check back soon for more information on toolkits.

Case Management

Collateral Consequences

Contracts and MOUs

Curriculums

Data Collection and JDCMS

Eligibility Standards

Mental Health

Pre-Screening

Program Evaluation

Program Policy and Procedures

Program Requirements

Sample Forms

Screenings and Assessments

Teen Court