

# Juvenile Diversion Application

UPDATED 7.6.2011

If your case number is a JV case number (2005JV0000) you need to fill out this application.

If you are under 18 and your case number is a CR case number (2005CR0000) you will need the Criminal Diversion Application.

Diversion Applications will not be accepted until JV has been booked in at the Juvenile Detention Center

**DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE**

**Juvenile Diversion Program Guidelines**

Charles E. Branson, District Attorney

Updated 7.6.2010

**JUVENILE DIVERSION APPLICATION**

The Douglas County District Attorney has established the following guidelines for the juvenile diversion application process. These guidelines are effective for any offense committed on or after July 1, 1997.

Diversion is a privilege and not a right. No presumption in favor of diversion exists in any case, and the burden of persuasion rests with the applicant to establish that a diversion agreement will best serve the ends of justice, the interests of the community, public safety and the rights of the victims.

In determining whether or not to grant diversion, the District Attorney will consider whether the applicant demonstrates a genuine sense of remorse and is prepared to acknowledge the act(s) charged and accountability for the consequences of his or her actions. Other factors to consider are the nature of the crime and the circumstances surrounding it, the probability that the applicant will cooperate and benefit from the program, the impact on the community of placing the applicant on diversion, the recommendations of the involved law enforcement officers and of the victims, the amount of restitution owed, and any mitigating and aggravating circumstances surrounding the crime.

**Eligibility**

The District Attorney will consider a number of factors in determining whether or not diversion is appropriate. It is presumed by these guidelines that diversion is NOT appropriate in the following circumstances:

1. The applicant is charged with a crime contained in Article 34, 35, or 36 of Chapter 21 of the Kansas Statutes Annotated.
2. The applicant is charged with a crime classified as a felony, with the exception of crimes described in K.S.A. 21-5801 (Theft).
3. The applicant has a prior criminal record which includes convictions, prior diversions, or pending criminal matters not covered by the application.
4. The applicant has been charged with an offense that was committed using a firearm.
5. The applicant is a juvenile and has participated in either the Shoplifting Prevention Class or Prefile Diversion Program in Douglas County.

**Procedures**

**ALL COURT APPEARANCES MUST BE ATTENDED DURING THE APPLICATION PROCESS**

**You may turn in this application AFTER you have been booked and had your first appearance .**

1. A \$25.00 NON-REFUNDABLE Application Fee must accompany the diversion application or it will not be accepted. Payment shall be made with a **check, or by money order, or a cashier's check. WE NO LONGER ACCEPT CASH.** If the application fee is paid with a personal check that is returned unpaid for ANY reason the diversion will be denied.
2. The Applicant **MUST** sign a statement under oath as to the facts and circumstances surrounding the offense(s) and that he/she has not received any prior diversions or convictions (other than traffic).
3. Upon acceptance into the Diversion program, the \$25.00 non-refundable Application Fee will be applied towards the assessed Diversion Costs.
4. **If the crime involves alcohol or drugs, the applicant will be referred to Douglas County Youth Services by the District Attorney's Office and will be required to take part in their Substance Abuse Program as a condition of diversion.**
5. If the crime involves Domestic Battery, the applicant **MUST** obtain an evaluation and it can **ONLY** be obtained from one of the agencies listed on page 4 section C. The evaluation **MUST** be turned in with the diversion application or the application will be returned. The Domestic Violence Policy for Douglas County is included with this application.
6. The application must be completed on the forms provided by the District Attorney's Office.
7. The applicant's attorney will be notified whether or not the diversion application has been approved. If the application is denied, notice will be sent in writing to the applicant's attorney.
8. Prior to applying the applicant **MUST** obtain an Intake and Assessment through The Shelter, Inc. Call 331-1381 to set up an appointment.

C. APPROVED AGENCIES FOR DOMESTIC VIOLENCE EVALUATIONS:

Heartland Clinical Consult.  
544 Columbia Dr Suite 003B  
Lawrence, Ks. 66049  
(785) 842-7296

Heartland Clinical Consult.  
5040 S.W. 28<sup>th</sup>, Suite F  
Topeka, Ks. 66614  
(785) 272-2266 or 2279

Bert Nash Center  
200 Main Ste. A  
Lawrence, Ks. 66044  
(785) 843-9192

Scott Black  
Assessments/Counseling  
2500 w. 31<sup>st</sup> Ste. G-3  
Lawrence, Ks. 66046  
(888) 742-1235/785-331-6163

Scott Black  
Assessments/Counseling  
1920 16<sup>th</sup>  
Great Bend, Ks. 67530  
(620) 792-5371

Assessment Services  
108 E. Poplar  
Olathe, Ks. 66061  
913-768-9777

**DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE  
PROSECUTION POLICY FOR DOMESTIC VIOLENCE CASES**

The purpose of this policy is to deal more effectively with domestic violence cases. The Douglas County District Attorney's Office will aggressively prosecute incidents of domestic violence. The goal of this policy is to protect the victim, deter the offender from committing further acts of violence, and to raise community awareness of domestic violence.

**Prosecution Policy**

1. The Douglas County District Attorney's Office will file charges in all cases referred to this office by law enforcement where there is sufficient evidence to prosecute. Prior to filing charges, the law enforcement officer investigating the case will obtain, when possible, a written statement from the victim.
2. Victims will be informed of their rights under the Victims Rights Constitutional Amendment including the right to be informed of and to be present at public hearings and the right to be heard at sentencing.
3. At the first appearance, the prosecutor will request that a no contact condition be placed on the applicant's bond. This condition will remain in place while the case is pending unless the victim appears, and for good reason, requests that the condition be removed.
4. Factors to consider if the applicant wishes to apply for diversion are: the victim's position regarding the case, the safety of the victim and the community, the nature and extent of the victim's injuries, the applicant's prior criminal record, the applicant's prior history of domestic abuse, the applicants willingness to comply with the terms of the program and the prognosis of the applicant's evaluation.
9. The District Attorney's Office shall have a [ ]no drop policy on domestic violence cases. Extenuating circumstances may be considered on a case-by-case basis. It will not be the District Attorney's policy to dismiss these cases upon the request of the victim of the crime.

JUVENILE APPLICATION  
DIVERSION PROGRAM

The \$25.00 non-refundable application fee must accompany this application

You must complete every blank. If an evaluation is needed, it must be attached or the application will be returned.

Case Number \_\_\_\_\_ Div \_\_\_\_\_ Charge \_\_\_\_\_

Attorney (Must provide address and phone #) \_\_\_\_\_

Appointed \_\_\_\_\_

Retained \_\_\_\_\_

Next court appearance \_\_\_\_\_

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Student's home address \_\_\_\_\_ Home Phone \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Sex male \_\_\_\_\_ female \_\_\_\_\_ Social Security # \_\_\_\_\_

Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone# \_\_\_\_\_

Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone# \_\_\_\_\_

If you live with someone other than the person(s) listed above, list the names and addresses:

\_\_\_\_\_

How long have you lived in Douglas County, Kansas \_\_\_\_\_

List all states other than Kansas, where you have lived \_\_\_\_\_

Relationship to victim of this crime \_\_\_\_\_

Present employer \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_

Job Title \_\_\_\_\_ Length of employment \_\_\_\_\_

Salary \_\_\_\_\_

Previous employer \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_

Job Title \_\_\_\_\_ Length of employment \_\_\_\_\_

Salary \_\_\_\_\_

List additional previous jobs, on the back of this page

Elementary\_\_\_\_\_

Junior High\_\_\_\_\_

High School\_\_\_\_\_

Graduate\_\_\_\_\_

College\_\_\_\_\_

Highest Year/Degree Achieved\_\_\_\_\_

Medical/Physical History\_\_\_\_\_

Psychological services received: list dates and providers\_\_\_\_\_

List all offenses for which you have been arrested or charged at any time and in any jurisdiction. Include expunged offenses, juvenile offenses and alcohol related traffic offenses. This section applies even if the charges were dismissed or someone told you the charges would not be on your record.\_\_\_\_\_

State any mitigating facts concerning your current charges that you believe might excuse your actions.\_\_\_\_\_

Explain why you feel you could successfully complete the Diversion Program. **This section must be completed in the applicant's own handwriting or the application will be returned.**\_\_\_\_\_

State in detail the facts which caused charges to be filed. Please use the back of this page if necessary. **This section must be completed in the applicant's own handwriting or the application will be returned.**\_\_\_\_\_

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If the charge involved alcohol:

Where and How did you obtain the alcohol\_\_\_\_\_

Were you required to show I.D.\_\_\_\_\_ Did you use your real I.D.\_\_\_\_\_

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Have you ever been required to attend the Shoplifting Prevention Program? \_\_\_\_\_

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Have you obtained an Intake and Assessment through The Shelter, Inc.? \_\_\_\_\_

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I solemnly swear that I have read the foregoing Diversion Application and all of the information is true and correct to the best of my knowledge. I understand that giving false information will be a basis for denial of diversion or revocation of diversion.

I hereby authorize the Douglas County District Attorney's Office to release any information in the Douglas County District Attorney's file pertaining to the offense for which I am charged to any agency which is performing the psychological, drug, alcohol and/or other evaluation, any law enforcement agency, or any other such person or agencies for use in determining whether I am a suitable candidate for the Diversion program. I further authorize any person, agency or organization to release and provide, upon request, any information to the Office of the Douglas County District Attorney in consideration of my application for the Diversion Program.

I further authorize any person, agency or organization that is conducting an evaluation or treatment as a part of the Diversion Program to release information to any other person, agency or organization as needed for the evaluation or treatment process.

**The \$25.00 non-refundable application fee must accompany this application**

\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**IF YOUR SIGNATURE IS NOT NOTARIZED THE APPLICATION WILL BE RETURNED.**

**DIVERSION FEE SCHEDULE**

Juvenile Application fee-	25.00	Pay to District Attorney
Diversion Fee	25.00	Pay to District Attorney

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Court cost	56.00	Pay to Clerk of the District Court
Restitution payments	\$varies	Pay to Clerk of the District Court
KBI Lab fee	400.00	Pay to Clerk of the District Court
Fine	\$varies	Pay to Clerk of the District Court
ASAP fee	150.00	Pay to Clerk of the District Court

You must pay diversion fee up front when turning in signed diversion agreement. In addition, the court costs and ASAP Fee are to be paid to the clerk of the district court at the signing of the diversion agreement. IF payments are not made diversion agreement may be revoked and case will be returned to court docket for trial.

All other costs are to be paid to the clerk of the district court within three months of signing the diversion agreement.