



ARIZONA STATE SENATE
Forty-ninth Legislature, First Regular Session

PROGRAM PRESENTATION
Juvenile Diversion

Background

The juvenile justice system has jurisdiction over juveniles aged 8 to 17. Juvenile Diversion is a process for low-risk, low-offense juveniles to avoid formal court processing and requires consequences for the offender and due dates for completion of the consequence such as community or victim restitution. Typically, juveniles who commit class 1 or 2 misdemeanors or status offenses such as truancy, possession of tobacco, and curfew violations are eligible for juvenile diversion. A juvenile identified as a chronic violent offender or who is referred for a DUI offense is not eligible for diversion.

Diversion allows the referral alleging an offense to be adjusted if the juvenile completes one or more conditions. To “adjust” is to dispose of a case without the juvenile being required to go to court. Before a petition is filed or an adjudication hearing is held, the county attorney may divert the prosecution of a juvenile, who is accused of committing a delinquent act or a status offense, to a community based alternative program or to a diversion program administered by the juvenile court. A community based alternative program refers the juvenile to a citizen board in local communities established by the county attorney or juvenile court, which reviews diversion cases and recommends consequences. Examples of diversion programs in the community are community restitution work service (graffiti abatement, volunteer work), teen court programs (juvenile court operated programs), educational/vocational programs (substance abuse programs, life skills development), day supervision (weekend/daily programs), drug testing, counseling interventions (family and group) and evaluations.

If the county attorney diverts the prosecution of a juvenile to the juvenile court, the juvenile probation officer conducts a personal interview with the juvenile. If during the interview the juvenile acknowledges responsibility for the delinquent act or status offense, the juvenile probation officer requires that the juvenile comply with one or more of the following conditions:

- 1) Participation in unpaid community restitution work.
- 2) Participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
- 3) Participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior.
- 4) Participation in an education program that is approved by the court and that is designed to deal with additional problems experienced by the juvenile, such as alcohol or drug abuse.

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- 5) Participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court.
- 6) Payment of restitution to the victim of the delinquent act.
- 7) Payment of a monetary assessment.

If the juvenile successfully complies with the conditions set forth by the probation officer, the county attorney may not file a petition in juvenile court and the program's resolution may not be used against the juvenile in any further proceeding and is not an adjudication of a status offender or delinquent. The "resolution" of the program is not a criminal conviction, does not impose any civil disabilities ordinarily resulting from a conviction and does not disqualify the juvenile in any civil service application or appointment.

In 2008, there were estimated 974,610 juveniles ages 8 to 18 in Arizona. From July 1, 2007, to June 30, 2008, 4.8 percent of these juveniles (46,749) were referred at least once to Arizona's juvenile courts. In FY 2007-2008, there were 20,664 juveniles diverted in Arizona's juvenile justice system. Of the juveniles diverted in FY 2007-2008, 66.8 percent had no prior referrals and 62.6 percent had a misdemeanor as the most serious offense.

Fiscal Information

The Joint Legislative Budget Committee includes \$10,334,300 from the state General Fund for Juvenile Diversion Consequences in FY 2008-2009. This amount is unchanged from FY 2007-2008.

The county attorney or juvenile court may assess the parent of a juvenile who is diverted a fee of \$50. If the parent cannot pay the fee, then the county attorney or juvenile court may assess a lesser amount. Any amount greater than \$40 of the fee is used to supplement monies for salaries of the juvenile probation and surveillance officers and for support of programs and services of the superior court juvenile probation departments such as community-based alternative programs or juvenile court diversion programs. The county attorney pays all monies collected from the assessment into the County Attorney Juvenile Diversion Fund (Fund).

The Fund consists of diversion fees, county general fund appropriations, federal monies that are appropriated for community-based alternative programs, quarterly reimbursements from the Supreme Court for juveniles participating in county attorney community-based alternative programs, grants, gifts, devises and donations from any public or private source. The county board of supervisors may apply to the Internal Revenue Service so that donations to the Fund are tax deductible.

Of the 15,845 girls referred in FY 2007-2008, 24.5 percent received treatment services during the year compared to 33.9 percent of the boys. On average, \$996.37 was spent on treatment for girls and \$1,166.68 was spent on boys. The largest allocation of treatment monies for both boys (38.9 percent) and girls (54.0 percent) was for "Out of Home" services (residential, group homes, detention alternatives, etc.). The second largest amount of money spent on boys was for sex offender treatment (29.1 percent) and for girls it was substance abuse (15.0 percent).

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Attachments

Juveniles Diverted in the Arizona Superior Court System in FY 2007-2008.

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February 2, 2009

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