

**ELIGIBILITY CRITERIA FOR THE TETON COUNTY
JUVENILE DIVERSION PROGRAM**

1. The law enforcement officer involved in the case issues Juvenile Diversion Program paperwork to the juvenile. The paperwork gives the telephone number for a representative from Teton Youth and Family Services (TYFS), a brief description of the Juvenile Diversion Program, and asks the juvenile to contact TYFS within 3 days. Policy requires the officer to give this paperwork to any juvenile to whom the officer issues a citation, or with whom the officer otherwise has contact related to a criminal offense, unless the officer knows or learns that the juvenile has committed past offenses.
2. The juvenile and/or his/her parent(s)/guardian(s) contacts TYFS to set up a meeting.
3. In the first meeting TYFS reviews the Program with the juvenile and/or his/her parent(s)/guardian(s), describes the juvenile's obligations under the Program, and performs a Risk Assessment. TYFS uses ALLVEST'S BACKONTRACK! risk assessment program, which gives an objective risk level of Low, Moderate, or High depending on the juvenile's answers during the interview process.
4. TYFS then writes a recommendation to the Prosecuting Attorney as to whether the juvenile is appropriate for the Program. If appropriate, the Prosecuting Attorney investigates the juvenile's criminal history, to see if the juvenile is eligible for the Program.
5. In order to be eligible, the juvenile must be a first time misdemeanor offender. Persons who are 18 years old are also eligible, so long as they too are first time misdemeanor offenders and are still in high school. For those juveniles who are at a higher risk level, do not have a parent(s)/guardian(s) who are able/willing to supervise them, etc., TYFS often recommends that their cases be filed in Juvenile Court, where Department of Family Services probation can meet more of their needs.
6. If the Prosecutor agrees that Diversion is appropriate for the juvenile, TYFS again meets with the juvenile and/or his/her parent(s)/guardian(s), to review and sign an affidavit of admission, waiver of rights, and contract. The contract includes conditions, which are the juvenile's obligations under the Program. The conditions may relate to drug testing, counseling, school attendance and performance, meeting with TYFS, community service, etc. The execution of these documents constitutes the start of the juvenile's Diversion Program.
7. TYFS schedules a hearing in the Circuit Court approximately one month later. The prosecuting attorney, TYFS and the juvenile and his/her parent(s)/guardian(s) attend the hearing. At the hearing, the Court dismisses the charge(s) against the juvenile, as long as TYFS reports that the juvenile is doing well in the Program and otherwise is complying with the Program. TYFS finds that the one-month delay between the signing of the documents and the court hearing is helpful, because the upcoming court hearing often motivates the juvenile to start meeting the terms and conditions of his/her contract.

8. After the juvenile completes all the terms of his Program and demonstrates responsibility with TYFS, school, and at home, TYFS informs the Prosecutor of TYFS's intent to successfully discharge the juvenile from the Program. The Prosecutor then closes the criminal case and TYFS sends a letter to the juvenile informing the juvenile of his/her successful completion of the Program. TYFS also meets with the juvenile and/or his/her parent(s)/guardian(s) one last time to go over what life will be like without Diversion and to talk about successes, challenges, etc.
9. If the juvenile does not successfully complete the Program (e.g., fails a drug test, commits a new offense, continues to have problems at school, refuses to meet with TYFS), TYFS asks the Prosecutor to re-file the original charge(s) and provides recommendations as to how best to proceed.