STATE OF KANSAS

Tenth Judicial District

OFFICE OF THE DISTRICT ATTORNEY

STEPHEN M. HOWE, DISTRICT ATTORNEY

Juvenile Diversion Program

The Immediate Intervention Programs or IIP programs (also often referred to as diversion programs) are intended to give your child a “second chance” and avoid an adjudication (finding of guilt) on his/her record. Eligibility for all programs listed are granted at the sole discretion of the Johnson County District Attorney’s Office.

**IIP/DIVERSION OPTIONS**

**Youth Court –** Youth Court is a program in which a juvenile may resolve first-time misdemeanor offenses without having charges filed in the Juvenile Court System. Youth Court is peer court wherein juveniles serve as lawyers, judges and jurors. The program utilizes community service among other sanctions at the conclusion of the Youth Court hearing. Common cases for Youth Court may include minor offenses at school and shop-lifting.

**Minor in Possession Program (MIP) -** MIP is a program in which a juvenile may resolve first-time minor in possession of alcohol offenses without having charges filed in the Juvenile Court System. Eligible juveniles will be mailed an application for the MIP program. The form must be completely filled out and mailed back to the Juvenile Diversion Unit. MIP applicants must also complete a substance abuse evaluation.

**Pre-File Diversion (PFD) –** PFD is a program in which a juvenile may resolve first-time misdemeanor offenses without having charges filed in the Juvenile Court System. Eligible juveniles will be mailed an application for the PFD program. The form must be completely filled out and mailed back to the Juvenile Diversion Unit. Some cases require may an interview.

**Post-File Diversion --** Post-File Diversion is a program in which a juvenile may resolve first-time misdemeanor offenses and low level felony offenses after a case has been filed in the District Court. Eligible juveniles must complete an application for Post-File Diversion and return the form to the Juvenile Diversion Unit. Juveniles who are accepted and successfully complete the program will have their charges dismissed without a finding of guilt. There will be a Court hearing and the juvenile will need to have legal representation.

**IIP/DIVERSION FEES** (For all programs listed above)

* Misdemeanor - $50.00
* Felony - $100.00

All Diversion fees are paid at the time the contract is submitted and must be in the form of a money order or cashier’s check made out to DA Trust Account.

**ELIGIBILITY for POST-FILE DIVERSION PROGRAMS**

Misdemeanor Eligibility

1. All misdemeanor offenders are eligible to apply for diversion with the following exceptions:
   1. Prior offense (adjudication in Johnson County or another jurisdiction)
   2. Pending juvenile offender case in Johnson County or another jurisdiction.
   3. Pending or Prior case for a serious traffic offense through a magistrate court.
   4. Prior Pre-file Diversion (PFD)
   5. Prior Minor in Possession (MIP) Program and unsuccessful participation in the program. Prior MIP and successful completion of the programs IS eligible to apply.
   6. Prior Youth Court and unsuccessful participation in the program. Prior Youth Court with successful completion of the program IS eligible to apply.
2. Juveniles with two cases may apply in all cases if the dates of the offenses are within 30 days of the first offense

Felony eligibility:

1. Level 6-10 felony offenders are eligible to apply (general rule)
2. Juveniles charged with certain sex offenses may apply for Post-File Diversion with approval of the assigned Assistant District Attorney and the completion of an approved sex offender evaluation.
3. Cases involving hand guns are not eligible for diversion.
4. Cases of criminal threat that involves threat to a school or other group are not eligible. (must seek approval of assigned Assistant District Attorney to apply)
5. Distribution of drug cases are not eligible for diversion.

**ADDITIONAL REQUIREMENTS**

1. All alcohol and drug cases require that a substance use evaluation. Information regarding that process are included the Diversion application packet. You must sign a waiver to have your substance abuse evaluation sent to the Juvenile Diversion Supervisor in order to be considered for Diversion.
2. All juveniles charged with a felony must complete a UA before being offered a diversion contract.
3. A juvenile may be required to submit additional evaluations prior to determining whether to offer a Diversion contract.
4. A juvenile may be required to sign a restitution order and make payment towards restitution prior to being issued a diversion contract.
5. A juvenile will be required to pay the diversion fee prior to being accepted onto diversion.