



# Juvenile Court Diversion in New Hampshire



**AN OVERVIEW FOR  
POLICE STANDARDS AND TRAINING**

# NH RSA169



Statute NH RSA169 Delinquent Children-B:10 Juvenile Diversion includes provisions for Police and Courts to

- **refer first-time offenders for diversion services.**

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- I. An officer authorized under RSA 169-B:9 to take a minor into custody **may dispose of the case without court referral by releasing the minor to a parent, guardian, or custodian.**
- The officer shall make a written report to the officer's department identifying the minor, specifying the grounds for taking the minor into custody and indicating the basis for the disposition.

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- I-a. Prior to filing a delinquency petition with the court, **the arresting agency or prosecutor shall screen the petition for participation in diversion.**
- The petitioner **shall identify why diversion was not an appropriate disposition** prior to seeking court involvement.

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- II. At any time before or at arraignment pursuant to this chapter, **a minor and the minor's family may be referred to a court-approved diversion program or other intervention program or community resource.**
- Referral may be made by the arresting or prosecuting agency or juvenile probation and parole officer, **prior to filing a petition** with the court or **after the filing of a petition** by such agency with the court's approval, or **by the court on its own, or any party's motion.**

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- (II. Continued) When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a minor has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the minor for evaluation to determine if the child is in need of special education and related services.

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- IV. Referral after filing shall **stay the proceedings for a period not to exceed 6 months from the date of referral, unless extended by the court** for an additional period not to exceed 6 months and does not authorize the detention of the minor.

## NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- V. During the period of referral, the court may require further conditions of conduct on the part of the minor and the minor's parents.
- VI. No person who performs public service as part of his or her participation in a court approved diversion program under this chapter shall receive any benefits that such employer gives to its employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is found to be negligent.



# NH Juvenile Delinquency Petition



5. Petitioner name and organization \_\_\_\_\_

Address \_\_\_\_\_ Telephone number \_\_\_\_\_

6.  The petitioner represents that the juvenile is **DELINQUENT** in that he/she is alleged to have committed the offense of \_\_\_\_\_ contrary to RSA \_\_\_\_\_ Check:  Felony offense Class A  Class A Misdemeanor  
 Felony offense Class B  Class B Misdemeanor

7. Date(s) and time(s) of alleged offense \_\_\_\_\_

8. Location of alleged offense \_\_\_\_\_

9. Details or facts of alleged offense

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Petitioner screened this case for Diversion and determined it inappropriate because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SEE BACK FOR IMPORTANT INFORMATION AND FINANCIAL OBLIGATIONS**

\_\_\_\_\_



# NH Juvenile Delinquency Petition (cont'd.)



## DELINQUENCY PETITION

**Questions 11 and 12 must be answered by the School District or Police Department, if this petition is related to an incident arising from school:**

11.  The conduct alleged in this petition constitutes a serious threat to school safety as defined by RSA 169-B:2, XIV OR
11. (a)  The conduct alleged in this petition does not constitute a serious threat to school safety as defined by RSA 169-B:2, XIV **AND**
- (b)  This petition is filed by a school official or school resource officer
- OR
- (c)  This petition is **filed** by a police department as a result of a report made by a school official or resource officer based on acts committed on school grounds during the school day.

**If any box in 11a and 11b or 11c is checked, the petitioner must describe the following:**

1) how the school district attempted to resolve the matter through available educational practices; 2) how the school district engaged the parents or guardian; 3) the parent's willingness to work with the school district to resolve the problem; 4) the minor's response to these approaches and why court intervention is needed:

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# NH Juvenile Court Diversion Network



## Diversion programs around the state:

- **Hold youth accountable** for disruptive behavior.
- Ensure they **benefit from education and support** services to improve behavior.
- Are housed in **police departments, governmental systems or community-based organizations.**
- New Hampshire's programs share common goals and core values, and are showing **program completion rates averaging 86%** across the state (2013).

# Accredited Programs = Rigorous Standards



- In 2011, HB1686 introduced changes in the law to bring **accountability and standards** to programs that provide juvenile diversion services while ensuring they remain **flexible enough to meet local needs**.
- Programs that are accredited by the **Administrative Judge of the Judicial Branch Family Division** have met rigorous Accreditation Standards and demonstrated a **high level of proficiency** within their programs.

# Accredited Programs = Rigorous Standards



## **40 standards encompass the following:**

- Organizational Structure & Policies
- Training & Staff Development
- Community Involvement & Partnerships
- Financial Accountability & Budgeting
- Recordkeeping & Privacy Practices
- Employee & Volunteer Qualifications/Checks
- Specific Program Components to ensure Quality

# Required Diversion Program Components



## **The program:**

- utilizes a diversion contract.
- has signed contracts on file for all participants.
- incorporates restorative justice principles into the development of contracts.
- offers community service opportunities.
- has an educational resource to educate juvenile participants about drugs and alcohol.
- documents all contact with participants, parents or others involved with the juvenile diversion process.

# Required Diversion Program Components



## **The program:**

- has a process for exiting participants from the program upon completion of their obligations.
- maintains a copy of each closing/completion letter.
- provides written notice of completion to all referral sources.
- provides a list of community resources available to children and their families.

# Required Diversion Program Components



Juvenile Court Diversion programs  
**want and need to maintain**  
**open communication**  
with all referring Police Departments.



# Juvenile Court Diversion Formal Process

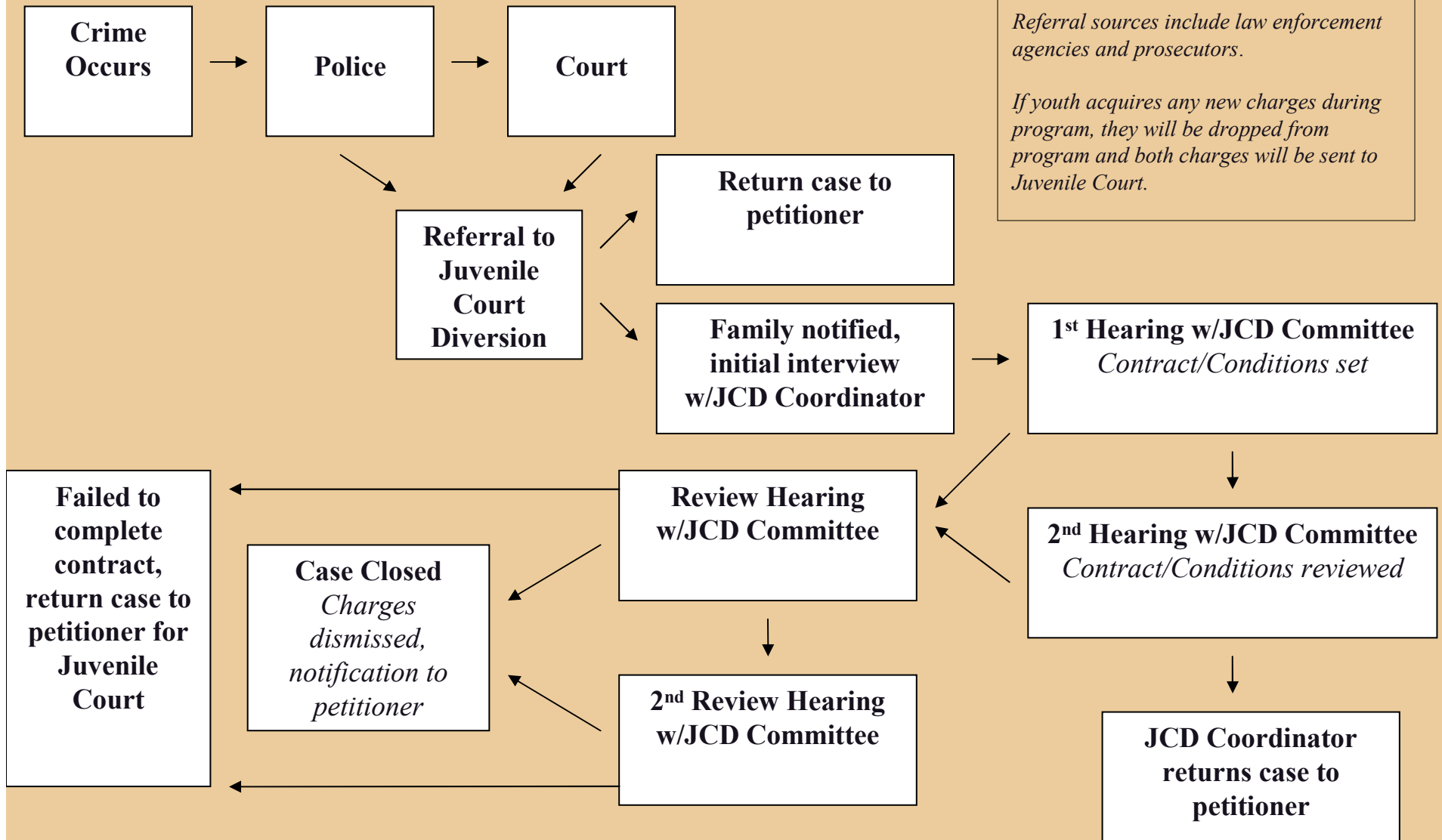
First time youth offenders under 17 y.o.

## Criteria for program:

- 1 First offense
- 2 Under age of 17
- 3 Facts justify a court hearing
- 4 Youth admits involvement

Referral sources include law enforcement agencies and prosecutors.

If youth acquires any new charges during program, they will be dropped from program and both charges will be sent to Juvenile Court.



# The Diversion Advantage



There are **multiple benefits** to using a Diversion Program rather than releasing a youth OR referring to Court. Youth referred to the Network's accredited programs can expect to:

- **Participate in an assessment** to identify areas of strength and those needing assistance.
- **Include their parent or guardian** in discussions about their well-being.

# Where Are Programs Located?



Programs are currently available in these counties:

- Belknap
- Cheshire
- Grafton
- Hillsborough
- Merrimack
- Rockingham
- Strafford
- Sullivan

We are seeking to build capacity in these counties:

Carroll  
Coos

For specific program contact information, go to

**[NHCOURTDIVERSION.ORG](http://NHCOURTDIVERSION.ORG)**

# The Diversion Advantage



- Meet with a **panel of volunteers** (some of whom may be peers) or staff members to discuss their case and develop a contract or written agreement.
- Spend approximately **three to six months** working on goals outlined in their contract/agreement.

# The Diversion Advantage



- **Attend educational classes or workshops** included in the contract along with participating in **community service and/or paying restitution.**
- Have their **case closed with no juvenile court record**, provided the contract is complete with no further offenses committed.

# The Diversion Advantage



- In addition to using **evidence-based practices**, several Court Diversion programs also utilize **evidence-based curricula** within their programs or as **outside referrals**.

# The Diversion Advantage



## **Four philosophies of Diversion are used in NH:**

- Restorative Justice
- Traditional Diversion using Volunteer Panel
- Teen/Peer Court
- Mediation/Counseling model

Some programs accept referrals from police and courts only. Others accept referrals for school-based misbehavior.

# Funding Sources and Program Fees



- Some programs are offered at **no cost** given high levels of financial support from the local community or municipality.
- Others are funded solely by community contributions and have **nominal fees** to help support the program.
- Fact sheets on each program are available at **NHCOURTDIVERSION.ORG**



# Who is Eligible for Diversion?



## **The Diversion option should be offered to:**

- First-time, minor offenders
- No current juvenile record

## **Diversion should NOT be offered to:**

- Any youth that insists they are innocent

# Most Common Crimes Referred

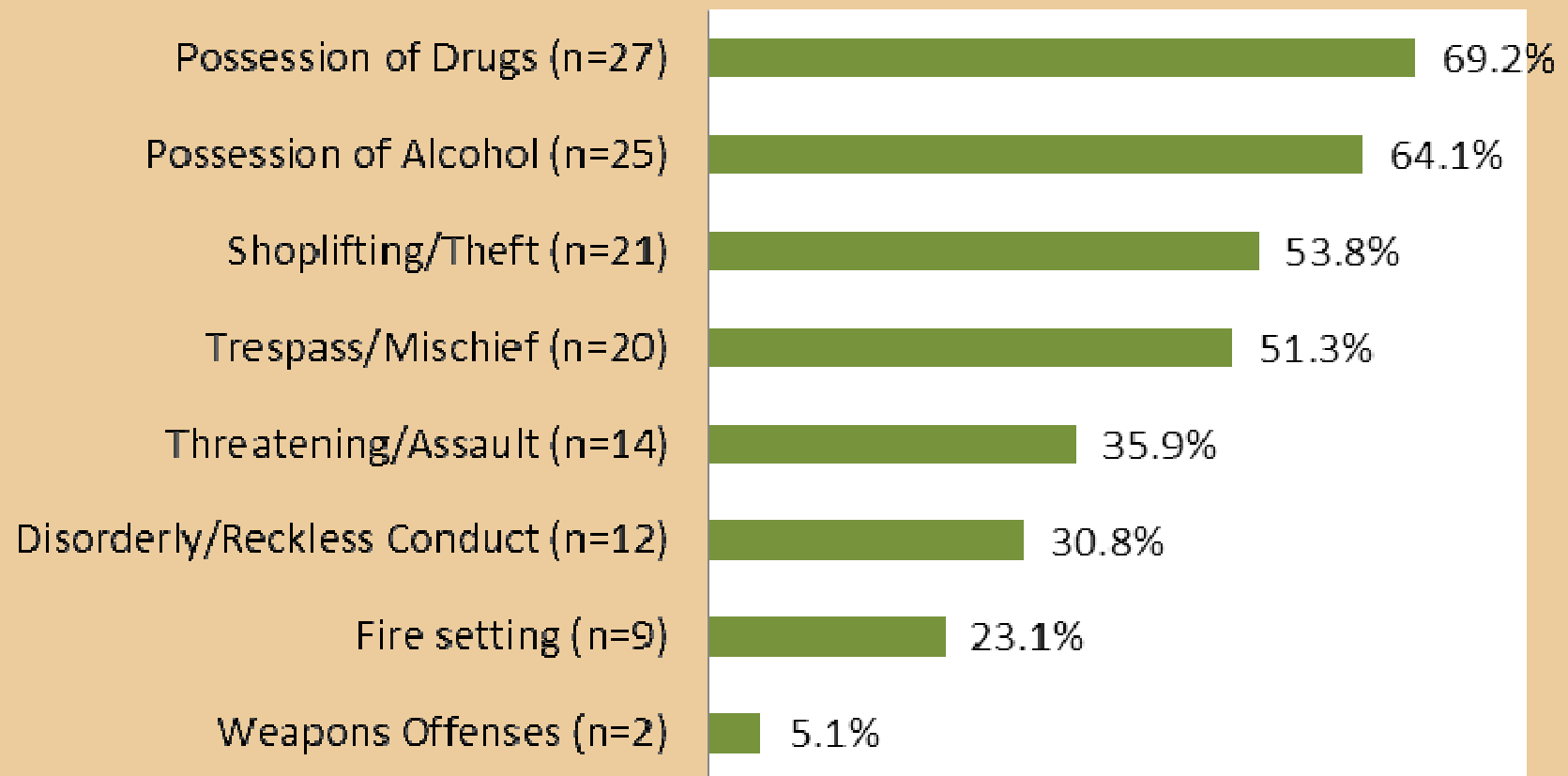


- Threatening/Simple Assault/Bullying
- Disorderly Conduct
- Possession of Drugs
- Possession of Alcohol
- Shoplifting/Theft
- Trespass/Mischief
- Fire Setting
- Weapons
- Sexting

# 2013 Police Chief Survey Results



## First-Time Offenses Referred to Diversion



# 2013 Police Chief Survey Results



Additional comments shared by the Chiefs included:

- On the disorderly conduct/reckless conduct, it would highly depend upon the situation. If it is a domestic situation or involves weapons, then it is **unlikely to be diverted**.
- We **do not refer sexual assaults** but may refer "sexting" cases or other internet-related offenses.

# Diversion Works: Case Study #1



## Possession of Drugs

A young lady, age 15, had significant prescription drug and alcohol issues...



**REFERRED TO  
DIVERSION**

A large, dark blue arrow pointing to the right, with the text "REFERRED TO DIVERSION" written in white, bold, uppercase letters inside it.

# Diversion Works: Case Study #1



As part of her contract, she needed to meet with the Diversion staff for a **total of 5 months**. Although, very **stubborn and resistant** she wrote the following note as she agreed to begin clinical treatment:

# Diversion Works: Case Study #1



**“Please don’t ever give up on any person** or family no matter how many problems they have or how much they don’t want to be helped... I know how it feels to be helped and then push that person away that’s helping me.

I wish I wouldn’t have, because I wanted to be helped even though sometimes I didn’t always see it. Deep down inside they do want the help and how ever much they push you away keep trying to help because **I don’t want anyone else’s family to feel or go through the things me and my family did. SO PLEASE PROMISE YOU’LL NEVER GIVE UP ON ANYONE OR THEIR FAMILY... Thanks.”**

## Diversion Works: Case Study #2



### **Shoplifting/Theft**

Two girls – who were new friends – were caught together stealing from a store.



**REFERRED TO  
DIVERSION**



## Diversion Works: Case Study #2



... the girls were telling their story in a group class. The first girl shared that it was the **first time she tried to steal** because the prom was coming up and she couldn't afford to buy clothes for the prom.

She didn't want to ask her parents because their family business was failing and would probably close soon. Her parents had been arguing over the past few months about finances, to the point of possible divorce. She ended by breaking down crying.

## Diversion Works: Case Study #2



The second girl claimed that she was very proud of the fact that she had been **stealing for years**, she had stolen for friends, and that most of what she was wearing was stolen.

She went on to tell the group that she had been stealing mainly from one store over the years, which was a different store than the one that lead to her getting caught. She continued saying that she had brought friends to that same store to steal also.

She went on to talk about how brain dead and stupid the store owners were and how easy it was to steal from them.

## Diversion Works: Case Study #2



When the facilitator asked the name of the store she'd been stealing from, the first girl yelled,

**“That’s my parents store! It’s because of YOU that they may be getting divorced and we are losing our house.”**

The girls’ friendship ended that day. All the other kids in the class that day were able to put a face to the human consequences of shoplifting.

# Case Closure



## **JUVENILE COURT DIVERSION PROGRAM**

23 Wakefield Street, Rochester, NH 03867 Phone: (603) 330-7149



### **Case Closeout Report**

**Re:**

**Docket#:**

**Close Date:**

#### **This case is being closed for the following reason(s):**

- Successful** Diversion Contract Completion
- Successful** Firestarter Prevention Program completion
- Returned Unsuccessful** Diversion Contract Completion
  - failure to complete contract
  - client moved from the area
  - parent refusal
  - youth refusal
  - lack of response
  - other

#### **Additional notes:**

#### **Copies to:**

- Court
- JPPO \_\_\_\_\_
- Rochester Police Dept (Juvenile Prosecutor)
- Mediation
- Counseling Services
- Rochester School Dept
- Other \_\_\_\_\_

**Signed:** Nicole Rodler  
RPD Juvenile Diversion Coordinator

**Date:** \_\_\_\_\_

# Questions?



## New Hampshire Juvenile Court Diversion Network

[WWW.NHCOURTDIVERSION.ORG](http://WWW.NHCOURTDIVERSION.ORG)