

RULE XXV

Diversion Program

Consistent with Juv. R. 9, the Court recognizes “in all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the Court.”

The Court, in collaboration with the Office of the Pike County Prosecutor, has developed the following policy and procedures for the Pike County Juvenile Diversion Program:

A **DIVERSION POLICIES AND PROCEDURES**

The purpose of these policies and procedures is to establish clear, standardized procedures for identifying, screening, and referring juvenile traffic, unruly, truancy, and delinquency cases into the Pike County Juvenile Diversion Program. This policy governs both administrative pre-initial appearance diversion referrals by court staff and post-initial appearance judicial referrals ordered by the Court.

SECTION 1. Pre-Initial Appearance Diversion: Upon receiving a juvenile citation or complaint, the deputy clerk screens the case for eligibility using the parameters set forth in this Rule. If eligible, the deputy clerk routes the file directly to the Diversion Coordinator or the Truancy Coordinator prior to issuing a court summons or setting an initial appearance. The Diversion Coordinator and the Truancy Coordinator shall use the Ohio Youth Assessment Diversion Tool to determine eligibility for diversion during the intake meeting.

The following cases are eligible for pre-initial appearance diversion and shall be referred to directly to the diversion program:

A. **Traffic Offenses:**

- (1). All non-moving traffic violations.
- (2). First-time speeding offenses, except speeding in a school zone, which is not eligible for this program and requires a court appearance.

- not
- (3). First-time minor misdemeanor traffic offenses which do involve an accident with another vehicle, property damage, or personal injury.

B. Truancy:

(1). Any juvenile subject to a first-time truancy complaint or school referral for habitual truancy shall be eligible for pre-initial diversion provided that the juvenile does not have any active delinquency complaints pending and is not currently on probation.

(2). Any adult subject to a first-time formal complaint involving truancy of a juvenile may be eligible for pre-initial diversion.

C. Other Unruly Offenses:

(1). Any first-time unruly offense may be eligible for pre-initial diversion provided the youth has no prior court record, delinquency adjudications, or previous formal diversion history and is not currently on probation.

(2). Qualifying offenses include curfew violations, runaway behaviors, incorrigibility/habitual disobedience to parents or legal guardians, and underage tobacco or vaping infractions.

(3). All truancy-related matters are governed in Section B above.

D. Delinquency Offenses:

(1). First-time alcohol infractions for violations of underage purchasing, consuming, possessing, or ordering of any spirituous liquor, wine, or beer; or misrepresentation of age to obtain such alcoholic beverages.

(2). First-time low-level misdemeanor equivalent offenses that would constitute a minor misdemeanor (MM), fourth-degree misdemeanor (M4), third-degree misdemeanor (M3), or second-degree misdemeanor (M2) if committed by an adult.

(3). To be eligible, the juvenile must be a first-time delinquency offender with no prior delinquency adjudications or pending formal charges and is not currently on probation.

SECTION 2. Administrative Staff Discretion & Suitability Screening:

Diversion staff shall conduct an individualized intake review of each referred youth to determine overall program suitability prior to approval.

A. Staff Exclusion Authority & Summons Referral:

(1). If a youth's academic performance, chronic absenteeism, school behavioral patterns, or other documented risk factors indicate that pre-initial diversion is insufficient or inappropriate, diversion staff maintain the discretion to decline pre-initial diversion placement on a case-by-case basis.

(2). Upon determining that a youth is not a suitable candidate for pre-initial diversion under this section, diversion staff shall immediately notify the deputy clerks to proceed with standard filing procedures, including the issuance of a formal complaint, summons, and scheduling of an initial appearance before the Court.

SECTION 3. Exclusions from Pre-Initial Appearance: Any youth with prior traffic convictions, formal court adjudications, or previous diversion participation within the last 12 months shall be excluded from pre-initial appearance diversion. In addition, a citation or complaint shall not be referred for pre-initial appearance diversion by clerk staff in the case of any following:

A. Traffic Violation Exclusions:

(1). School zone violations;

- (3). Any traffic offense involving a motor vehicle collision with another motor vehicle, property damage, or personal injury.
- (4). Offenses involve Operating a Vehicle Under the Influence (OVI), Driving Under Suspension (DUS), unauthorized use of a motor vehicle, reckless operation, street racing, or fleeing/eluding law enforcement.

B. Unruly Exclusions:

- (1). Any unruly complaints filed in conjunction with delinquent acts outside approved eligibility guidelines, violent behavior, or weapon involvement.

C. Delinquency Exclusions:

- (1). Any alleged act that would constitute a first-degree misdemeanor (M1) or any degree of felony (F1-F5) if committed by an adult;
- (2). Any offense involving violence, physical harm, or threats of physical harm to persons;
- (3). Any offense involving deadly weapons, dangerous ordnance, or fireable weapons;
- (4). Sexual offenses or sexual misconduct.

SECTION 4. Judicial Referral (Post-Initial Appearance):

Subsequent to a youth's initial appearance before the Court, the Judge may order any pending traffic, unruly, truancy, or delinquency case into the Juvenile Diversion Program.

Cases referred by court order shall be assigned to the Diversion Department with specific conditions or requirements tailored by the Court or developed through intake assessment.

SECTION 5. Judicial Referral Authority and Discretion: The Judge retains ultimate judicial discretion to refer any youth to pre-initial appearance diversion, even for charges, offenses, or prior records otherwise excluded under administrative guidelines. Furthermore, after an initial appearance, any case may be referred to the Juvenile Diversion Program at any stage of proceedings upon order of the Court, overriding standard administrative limits, thus granting the Court full discretion to utilize diversion interventions where judicially appropriate.

SECTION 6. Compliance with Marsy's Law: In accordance with Article I, Section 10a of the Ohio Constitution (Marsy's Law) and Ohio Revised Code Chapters 2930 and 2152, the Pike County Juvenile Court is committed to ensuring that crime victims are afforded full constitutional and statutory rights throughout the juvenile diversion process. Any case referred to diversion that is applicable to Marsy's Law shall be subject to the following procedures:

A. Victim Identification

(1). Any citations or complaints are screened by the deputy clerk for an identifiable victim. Any cases containing an identifiable victim shall verify that law enforcement or prosecutorial victim notification documentation (e.g. Ohio Marsy's Law Victim Rights Request Form) is present in the case record.

B. Pre-Initial Diversion Cases

(1). Prior to finalizing a pre-initial diversion agreement in cases involving property damage, financial loss, or personal harm/threats, the Diversion Coordinator shall notify the victim in writing or by telephone of the proposed referral in the Juvenile Diversion Program.

(2). The victim shall be informed of their constitutional right to provide input regarding the diversion referral, program conditions, and restitution.

(3). If a victim has suffered direct economic loss or property damage, the Diversion Coordinator shall verify such loss by

written documentation and full restitution shall be made a mandatory, non-negotiable condition of the diversion agreement.

(4). The victim shall be notified when the youth enters into a formal diversion agreement, the expected completion timeline, and shall further be notified when the youth has successfully completed diversion.

(5). If the juvenile fails diversion and the case is returned for formal judicial proceedings, the victim shall be notified promptly so that they may exercise their court hearing rights under Marsy's Law.

(6). The Diversion Coordinator shall be responsible for all victim notifications in all pre-initial diversion cases.

SECTION 7. Successful Completion of Diversion: Upon successful completion of diversion, the juvenile's case shall be dismissed and sealed pursuant to O.R.C. 2151.356(B)(1) and (2). The required parties shall be notified. Sealed records shall be expunged as outlined in O.R.C. 2151.358.

Per Marsy's Law, post-initial diversion dismissing/sealing occurs only after victim restitution is satisfied.