STATEMENT OF UNDERSTANDING ABOUT DIVERSION

DIV#: _____

1. Diversion is a way of dealing with youth who are charged with an offense where the youth does not go to court and there is no trial.

2. A diversion agreement is a written contract between you and the diversion unit. A diversion agreement may require you to complete one or more of the following: community service; restitution; fine; counseling and/or informational or educational sessions. You may also be ordered to stay at home, school or work during certain hours. Under certain circumstances you may not be required to enter a diversion agreement and your case will be closed after an interview with the board.

3. If you sign a diversion agreement **or** are counseled and released, you have a criminal history. This criminal history will include: A. the details of the offense; and B. whether you entered a diversion agreement or were counseled and released.

4. Once you have a criminal history: A. you may not be permitted to participate in diversion in the future; or B. you may be given a more severe punishment for future offenses.

5. Your criminal history will be available to the police, the prosecutor, the court, and the diversion unit. It will not be available to the public unless you are brought to court and there is a hearing for not successfully completing this diversion or for committing another offense.

6. If the offense for which you entered a diversion agreement is a liquor or drug offense, and you are 13 years of age or older when the offense was committed, the diversion agreement may result in the revocation of your driving privileges.

7. Under the circumstances noted below, the court may notify the principal of your common school of a diversion agreement.

8. If you do not follow the diversion agreement, the prosecutor will most likely require you to attend a court hearing. If you do not appear at the court hearing, the court may order you arrested.

9. You may ask the court to destroy all your records related to this offense if your criminal history contains only one diversion, you are at least 18 years old and two years have passed since you finished diversion; or your criminal history consists only of diversions, you are at least 23 years old, all diversion agreements were completed, and no criminal proceeding is pending against you.

10. You do not have to participate in diversion. If you do not, your case will go to court where charges will most likely be filed by the prosecutor. At court, you may retain your own attorney. If you do not have an attorney, a public defender will be appointed and you and/or your parents may be ordered to pay for this service. In addition, you may be assessed a victim penalty of $100.00 for a felony or gross misdemeanor or $75.00 for a misdemeanor. Other than these penalties, the court cannot assign any greater penalty than the Community Accountability Board can assign.

WAIVER OF LAWYER

11. I know that I can talk to a lawyer about whether I should enter into a diversion process and will not have to pay for one if I can't afford it. **(If you DO NOT believe you committed this offense, you should talk to a lawyer.)**

12. I know that a lawyer can look at my police reports, tell me about the law, help me understand my rights, and help me decide whether I should enter into a diversion process or go to juvenile court.

13. You have the right to have a lawyer present during the diversion process to advise you regarding the diversion agreement. If you choose to have a lawyer present, you must pay for this service.

14. Someone has read to me everything in this document and I understand it. I have been given a copy of this statement.

Dated: _____ Dated: _____

_____ Parent/Guardian

_____ Youth

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

_____
Representative of Diversion Unit

If applicable:
I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 20____ at _____, Washington.

_____
Interpreter

Notification will be sent to your school principal if you have signed a diversion agreement for one or more of the following offenses: inhaling toxic fumes; a controlled substance violation; a liquor violation; assault; harassment; reckless burning; malicious mischief; reckless endangerment, and/or weapons. (If you sign a diversion agreement for any other offense, your school will NOT be notified.)

NOTIFICATION TO SCHOOL PRINCIPAL REGARDING SIGNING OF DIVERSION AGREEMENT

To the school Principal: The youth named below, who attends your school, has signed a diversion agreement for the offense(s) of

OFFENSE(S): _____ Diversion #: _____

PLEASE NOTE: This information is CONFIDENTIAL and is provided to you pursuant to Chapter 13.04 RCW. It may not be further disseminated except as provided in Chapter 13.04 RCW, RCW 28A.225.330, other statutes or case law, and the family and educational privacy rights act of 1994, 20 U.S.C. Sec. 1232 (g) et seq.

Youth: _____
Print Name Signature

Parent(s) / Guardian(s): _____
Print Name Signature

_____
School District Date