

20-511. Diversion or Informal Disposition of the Petition

- The proposed change clarifies the process for granting Informal Adjustments to juveniles
- The statute, in its current form, requires that the admission by the juvenile and the granting of the informal adjustment had to occur at the admission or denial hearing.
- In addition to not being common practice in most juvenile courts, it is impractical for the decision for the juvenile to admit the allegations in the petition as well as the judge to grant an informal adjustment at the initial stage of the proceedings.
- The amendment to the statute would allow the admission as well as the granting of the informal adjustment to occur at any stage of the proceeding, which is in keeping with common practice.

- Additional changes are proposed effecting the final outcome of the Informal adjustment, specifically that if the court is shown that the terms and conditions of the informal adjustment have been met, there is no longer a need to continue the informal adjustment, and it is compatible with public interest, than the court shall dismiss the case.
- Previously this was discretionary and the amendment clarifies that if the court, in their discretion, is satisfied that the conditions to dismiss have been met, than the case is required to be dismissed. It doesn't so much remove the court's discretion, but places the discretion in determining whether the conditions have been met rather than whether or not the case is to be dismissed.

- The amendment also relieves juveniles of the duty to file an application for dismissal with the court.
- This is in keeping with the common practice in many courts and alleviates the cost and time associated with making application to the court, both for the juvenile and their representing counsel as well as the court.