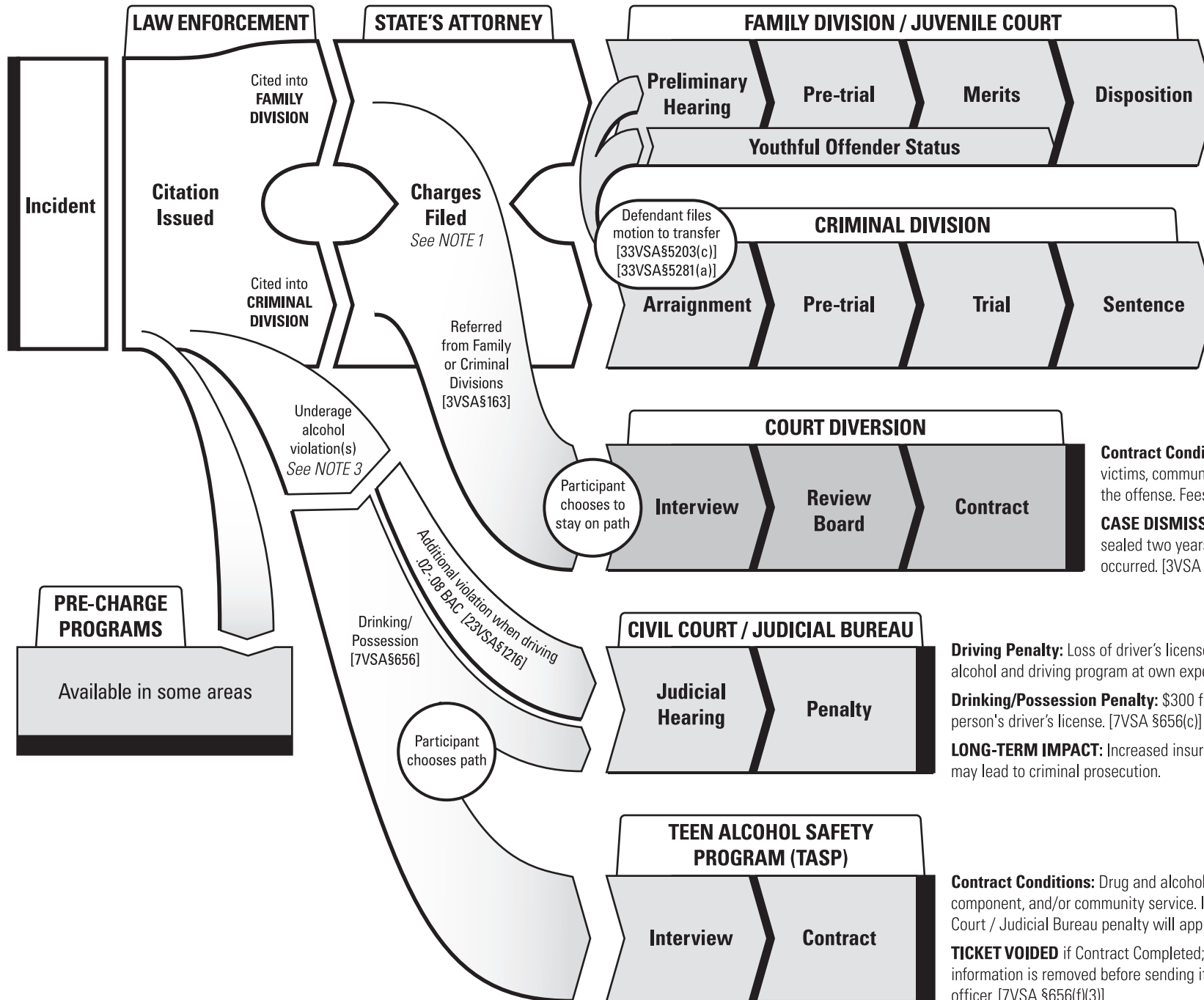


Court Diversion's Role within the Vermont Youth Justice System

An overview of primary paths experienced by youth 10 - 17 years old (Effective August 2011)



Disposition may include restitution, supervision by DCF, transfer of custody, detention, review hearings, community service, Balanced and Restorative Justice (BARJ) Panels and/or victim impact education.

Upon successful completion of disposition, Youthful Offender cases are dismissed in Family Division and dismissed and expunged in Criminal Division. Supervision may continue to age 22.

LONG-TERM IMPACT: Closed hearings; Family Division/ Juvenile Court records are sealed after two years unless the State's Attorney files a motion not to. [33VSA §5119]

Sentence may include fines, restitution, probation supervision by DOC, supervised community sentence, reparative board, furlough, incarceration, parole and/or deferred sentence.

LONG-TERM IMPACT: Criminal record exists. You may suffer from some or all of the following: difficulty obtaining employment and entering military service; restrictions on international travel and adopting children; loss of federal financial aid for education (drug convictions), housing subsidy, right to vote (some states and primarily for felony convictions), right to own firearms (felony convictions). If under 21 at the time of offense, two years after a successful completion of probation, records can be sealed by request – this does NOT happen automatically.

Contract Conditions are developed collaboratively and address the needs of victims, communities, and offenders that resulted from or were highlighted by the offense. Fees will be assessed. *See NOTE 2*

CASE DISMISSED if Contract Completed; Court and law enforcement records sealed two years after completion. The matter shall be considered never to have occurred. [3VSA §163(e)(f)]

NOTES

1. In some areas, the State's Attorney may request a voluntary assessment to help determine eligibility for Court Diversion.
2. If you choose to withdraw from TASP or Court Diversion, are not accepted into the program, receive a new charge, or do not complete your contract – including paying the fee – your case may be returned along the same path.
3. Applies to first offense for youth 16 - 20 years old.
4. At any point in the Criminal, Family, or Civil Divisions, a case may be dismissed if the defendant is found not to have committed an offense.
5. The majority of cases never go to trial because of plea agreements.
6. The vast majority of cases referred to alternative programs would not result in any jail time.

This flowchart is not intended to provide legal advice. **YOU ARE ENCOURAGED TO REVIEW THIS DOCUMENT WITH COURT DIVERSION STAFF AND/OR YOUR ATTORNEY.**

Driving Penalty: Loss of driver's license for 6 mos.; Required to complete an alcohol and driving program at own expense [23VSA §1216(a)(1) and §1209a]

Drinking/Possession Penalty: \$300 fine; 90-day suspension of the person's driver's license. [7VSA §656(c)]

LONG-TERM IMPACT: Increased insurance rates; subsequent violations may lead to criminal prosecution.

Contract Conditions: Drug and alcohol screening or assessment, education component, and/or community service. If the contract is not completed, the Civil Court / Judicial Bureau penalty will apply. Fees will be assessed. *See NOTE 2*

TICKET VOIDED if Contract Completed; Summons is voided and any identifying information is removed before sending it to the judicial bureau and issuing officer. [7VSA §656(f)(3)]