

## DIVERSION BENCH CARD

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. [Juv. R. 9(A)] Growing research shows that diversion is the most effective method of disposing of juvenile cases.<sup>1</sup>

### CONSIDERATIONS FOR THE COURT

- Diversion should be considered prior to any formal adjudication.
- Any child may be eligible for diversion.
- Diverting youth from formal processing can take many forms. Diversion can take place pre-filing or post-filing from the bench, with programs happening in or out of court.

### DIVERSION OPTIONS

- Referral to court-administered or community-based programs and services. [R.C. 2152.73]; [Juv. R. 9(A)]
- Referral to Mediation. [Uniform Mediation Act] [R.C. 2710.01 - 2710.10]; [Sup.R.16].

#### NOTE

Hearings relating to a juvenile charged with domestic violence, R.C. 2919.25 and hearings relating to juvenile civil protection orders, R.C. 2151.34, shall not be referred to mediation. [Sup.R. 16(B)(1)(d)]

- Referral to specialized dockets certified by the Supreme Court of Ohio. [Sup.R. 36.20 - 36.28]

### Examples

- Drug court
- Mental health court
- OVI/DUI court
- Human trafficking

### OPTIONS FOR DISPOSITION OF PENDING CASE WHEN MATTER IS REFERRED TO DIVERSION

- Dismiss pending case when matter is referred to a diversion program. [Juv.R. 9(A)]; [*In Re M.D.*, 38 Ohio St.3d 149]
- Keep pending case open until the court receives the results of the diversion program.
  - If the youth has successfully completed the diversion program, then the pending case is dismissed. [Juv.R. 9(A)]; [*In Re M.D.*, 38 Ohio St.3d 149]; [Juv.R. 29(F)(2)(d)]
  - If the youth did not successfully complete the diversion program proceed with adjudication and/or disposition of the pending case.

#### NOTE

For more information, see Models for Change Juvenile Diversion Guidebook - [modelsforchange.net/publications/301](https://modelsforchange.net/publications/301).

<sup>1</sup> [ncjrs.gov/html/ojdp/9909-3/div.html](http://ncjrs.gov/html/ojdp/9909-3/div.html)