

Juvenile Diversion Strategies and Models

Note: This is a resource which was featured on our previous Collaborative for Change website. The Collaborative for Change website has been retired but we have housed this resource as a PDF document. The document will remain as is and is no longer being updated as of September 2016.

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Juvenile Diversion Strategies and Models

Large numbers of youth come in contact with the juvenile justice system each year. Many of these youth become involved with the juvenile justice system for relatively minor and nonviolent offenses. Often, a lack of appropriate community-based treatments and services to address youth’s specific needs plays a role in their admission to juvenile justice programs. As a result, many youth become unnecessarily enmeshed in the juvenile justice system.

Many states and localities are exploring diversion programs as a way to keep youth out of the juvenile justice system.

An overview of juvenile diversion is presented below, followed by 16 steps of guidance from the juvenile justice field on implementing a successful diversion program. This framework is a web-based adaptation of the Juvenile Diversion Guidebook prepared by the Models for Change Juvenile Diversion Workgroup. The original guidebook addressed diversion in juvenile justice; this online version focuses on diversion for justice-involved youth with behavioral health needs.

Each of the 16 steps includes resources for juvenile justice professionals and administrators, behavioral health partners, and other stakeholders seeking to support the successful implementation of a diversion program. The resources are organized – when applicable – into three categories:

- key websites
- examples from the field (best practices and model policies suitable for adaptation or replication)
- critical resources (guides, reports on critical issues, and most recent research)

The School-Based Diversion Model

School-based diversion models are designed to stem the flow of youth with behavioral health disorders into the juvenile justice system, diverting them instead toward needed behavioral health services. In 2008, the John D. and Catherine T. MacArthur Foundation’s Models for Change Mental Health/Juvenile Justice Action Network selected “early diversion” as its first area of focus. Two states participating in the MH/JJ Action Network developed and sustained programs to meet this goal; these states were Ohio and Connecticut.

Following in the footsteps of the pioneering program WrapAround Milwaukee, these states implemented school-based diversion programs—in Ohio, the Responder Model, and in Connecticut, the School-Based Diversion Initiative (SBDI)—that connect youth with needed services and decrease needless arrests and referrals to the juvenile justice system. Select a resource below for more information on these programs.

Key Resources

[Innovation Brief: Schools Turn to Treatment, Not Punishment, for Children with Mental Health Needs](#)

This Models for Change Innovation Brief describes the Mental Health/Juvenile Justice Action Network's efforts to promote school-based diversion models. The brief highlights the efforts of two states – Ohio and Connecticut – that have successfully created and sustained programs that identify students with a suspected mental health disorder who are at risk of referral to juvenile court, and connect them and their families with needed services.

[Connecticut's Comprehensive Approach to Reducing in-School Arrests: Changes in Statewide Policy, Systems Coordination and School Practices](#)

This article outlines Connecticut's work toward reducing in-school arrests through advances in juvenile justice policy, school practice and policy, and advocacy and systems coordination, including their SBDI work.

Related Resources:

- [The SBDI Toolkit: A Community Resource for Reducing School-Based Arrests](#)
- [School-Based Diversion Initiative \(SBDI\) Resource Sheet](#)
- [Connecticut School-Based Diversion Initiative Project Description and Outcomes](#)
- [Connecticut School-Based Diversion Initiative Infographic](#)

[Responder Program Development Manual \(Summit County, Ohio\)](#)

This program development manual was based on Ohio's work as part of the Mental Health/Juvenile Justice Action Network. It is intended to serve as a guide for future responder-style programs.

The Probation-Intake Diversion Model

The probation-intake diversion model aims to identify justice-involved youth with behavioral health disorders and divert them before adjudication. The Front-End Diversion Initiative (FEDI) is one such model. FEDI is a pre-adjudicatory diversion program for youth developed in Texas with support from the John D. and Catherine T. MacArthur Foundation as part of its Models for Change Mental Health and Juvenile Justice Action Network.

FEDI aims to divert youth with identified mental health needs from adjudication and placement by pairing them with a specialized juvenile probation officer (SJPO). After receiving extensive training on adolescent mental health, crisis intervention, family engagement, and motivational interviewing, SJPOs provide case management services and link youth and their families to appropriate community-based services.

FEDI has been [identified as a promising practice by Crime Solutions.gov](#). Initial findings from an evaluation of the impact of the effort found that:

- Youth who participated in FEDI were significantly less likely to be adjudicated than those who participated in traditional supervision.
- Specialized officers engaged in collateral contacts in the community at over 10 times a higher rate than officers providing traditional supervision.

Key Resources

[Diverting Youth at Probation Intake: The Front-End Diversion Initiative](#)

This research and program brief describes FEDI's development and implementation in Texas and summarizes its initial outcomes.

[Texas Front End Diversion Initiative Program Policy and Procedure Manual](#)

This document describes the procedural steps to implement and sustain the FEDI model.

Overview

Potential Benefits of Diversion Programs

- Decreased rates of recidivism
- Less crowded detention facilities
- Alternatives to processing
- More appropriate treatments at the community level
- Avoidance of the stigma associated with formal juvenile justice system involvement
- Increased family participation

Over 1.5 million youth under the age of 18 are arrested each year (OJJDP, 2010); more than 600,000 youth are placed in detention centers; and, on any given day, close to 70,000 youth are in juvenile correctional placement (Sickmund, Sladky, Kang & Puzzanchera, 2011).

These, statistics, along with documented reports of inadequate and inappropriate care and treatment of youth, have prompted reform efforts across the country at both state and local levels. As a result, many states and localities are exploring diversion programs as a way to keep youth out of the juvenile justice system.

Diversion has been discussed and practiced for nearly four decades. Aside from the common goal of minimizing youth involvement with the juvenile justice system, there has been little consistency through the years in what actually constitutes a diversion program or process. The 16 steps described below address these inconsistencies and offer juvenile justice practitioners a roadmap for developing diversion policies.

What is diversion?

Broadly defined, diversion is an attempt to channel youthful offenders out from the justice system (Bynum & Thompson, 1996), with a goal of offering youth an experience that is significantly different from that which would occur in the juvenile justice system (Osgood & Weichselbaum, 1984). Ideally, diversion should occur at the earliest stages of juvenile justice processing to prevent further involvement in the system. However, diversion mechanisms can be instituted at later stages of justice processing to prevent further penetration into the system and costly out-of-home placements.

Why use diversion?

At one time or another, almost all adolescents engage in risky behaviors, act without thinking, and make bad decisions more often than they will as adults; thus, many may engage in what would be judged as illegal behavior. Most youth are not apprehended every time this occurs, but arrest is a common experience among adolescents, especially for youth of color in urban areas. Yet, only a minority of those youth will ever be arrested for a second delinquent act, or will become repeat offenders in adulthood. In other words, for the majority of youth who are arrested, their first delinquency is not a sign of a future delinquency problem.

Given these facts, a strong argument can be made for having a way to avoid formal processing of youth through the juvenile justice system under certain conditions. Without such a mechanism, large numbers of youth are unnecessarily charged and processed through the system, thus increasing a youth's probability of further delinquencies due to their exposure to other delinquent youth during this experience. Moreover, by formally processing these youth, resources available to the juvenile justice system are used in ways that weaken the system's capacity to process and respond to the minority of youth who actually present a risk to public safety and need juvenile justice adjudication and rehabilitation.

As a result, many states and localities are exploring diversion programs as a way to keep youth out of the juvenile justice system.

Guidance from the Field

The guidelines below are for planning, implementing, or improving a juvenile diversion program. The process is organized into six categories (Purpose, Oversight, Intake Criteria, Operation Policies, Legal Protections, and Quality) of steps. Each step focuses on a critical element of the plan.

The steps are intended to guide planners as they develop or improve a diversion program and make decisions about its features and operations. At the beginning of each step, a question is posed and briefly discussed. Following this background, several options for responding to that question are presented. The steps conclude with specific considerations for planners to think about as they work through the development process.

Presentation of the steps in a numbered order does not imply that the implementation process is always linear, with one step following another; rather, it is to lay out the landscape of activities as comprehensively and clearly as possible. To proceed through this resource from start to finish, click the "next" button at the bottom of the screen. Alternatively, use the navigation panel on the right to choose steps of interest to you.

Getting Started

Setting the Stage for Implementing Diversion

- Bring together stakeholders (e.g., administrators, defense attorneys, prosecutors, program directors)
- Review pertinent data (e.g., number of youth involved in the system)
- Conduct an inventory of youth services available in the community

When developing a diversion program, several preliminary activities help set the stage for engaging in the 16 steps recommended in this guidebook.

First, many communities assemble a variety of key stakeholders, including local juvenile justice administrators, juvenile defense attorneys and prosecutors, local juvenile justice system program directors, and others in the private or public child services system and schools within the community. This group can work together over time to develop a comprehensive plan for their future diversion program.

Second, many communities find it helpful to review pertinent data before beginning the planning process. Sometimes the local court, for example, will have data on the number of youth involved in the local juvenile justice system each year.

Third, some communities conduct an inventory of the various services available to their youth. Many diversion programs have, as part of their objective, the referral of diverted youth to appropriate community programs that focus on prevention, skill-building, mental health or substance use needs, or family assistance. Having an inventory of these services helps inform later steps of the process

Step One: Objectives

IMPORTANT QUESTIONS

- What are the primary objectives of your diversion program?
- What stakeholders from the juvenile justice public/private youth services systems in your community will provide input and support in shaping the diversion program?

What will be the main purpose(s) for developing a diversion program?

Before discussing the various possible purposes for developing a diversion program, it is worthwhile to recognize some basic facts about youth and their behaviors that may bring them in contact with the police and juvenile justice. These facts can stimulate discussion about the purpose of a diversion program.

Adolescence is a time when youth may engage in risky behaviors, act without thinking, and make bad decisions; thus, many of them engage in what would be judged as illegal behavior. Most youth are not apprehended every time this occurs, but arrest is a common experience among adolescents. Yet, for the majority of youth who are arrested, their first delinquency is

not a sign of a future delinquency problem. Therefore, it is important to have a way for youth to avoid formal processing under certain conditions. Without such a mechanism, large numbers of youth are unnecessarily charged and processed through the system, thus increasing a youth's probability of further delinquencies due to their exposure to other delinquent youth during this experience.

Avoiding formal processing under certain conditions is important considering the collateral consequences a youth may face after obtaining a juvenile record. Diversion can be a way for youth to avoid the consequences a juvenile court record can have on employment, public housing, and access to schools.

Options

The research literature on juvenile diversion programs and statutes governing diversion suggest several purposes for such programs. The following list is not meant to be exhaustive, but provides sample objectives. They include:

- Reducing recidivism – Decreasing repeat offending, thereby contributing to public safety
- Providing services – Assuring that youth who are in need of intervention and treatment receive services that will help reduce the likelihood of future offending and meet their developmental and problem-related needs
- Reducing system costs – Assuring that the juvenile justice system's resources are reserved for youth who must be formally processed, adjudicated, and rehabilitated
- Reducing unnecessary social control – Assuring that youth, as citizens, are subjected to no more State intervention than necessary and that caregivers (rather than the State) are responsible for their children whenever possible
- Increasing successful outcomes for youth – Increasing school engagement, offering opportunities for positive skill development, increasing pro-social activities, or targeting other criteria that measure success for youth
- Assuring accountability: Assuring that youth — while avoiding adjudication — understand the seriousness of their actions and the effects that their behaviors may have on the victim(s), community, their family, etc., and holding them accountable through some type of restitution instead of juvenile court sentencing
- Avoiding labeling effects: Reducing the likelihood that youth — were they to be formally processed — obtain a social label or self-perception as “delinquent,” which may actually contribute to further delinquency

Considerations

Step One is especially critical for several reasons:

- The program's statement of purpose will guide planners' choices throughout the remaining 15 steps.
- There are many ways to build the pieces of a diversion program. Program objectives will either support or interrupt the logic for selecting certain options as the program develops.

- Planners will learn much about their perspectives by discussing and reviewing objectives. For example, they may discover differences of opinion on what is important in responding to youth who are apprehended.
- A program's purpose defines its measure of success. Thus, the objectives that the planners choose will eventually be used to determine if the diversion program has met the expectations of its funders and the community.

KEY WEBSITES

The [Juvenile Detention Alternatives Initiative \(JDAI\)](#) was designed to support the Casey Foundation's vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. JDAI promotes changes to policies, practices, and programs to: reduce reliance on secure confinement; improve public safety; reduce racial disparities and bias; save taxpayers' dollars; and stimulate overall juvenile justice reforms.

[Models for Change](#) has compiled an extensive list of materials dedicated to a number of different juvenile justice issues. The Diversion section contains copies of several guidebooks with step-by-step instruction, as well as publications evaluating statewide initiatives from across the country.

The [Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide \(MPG\)](#) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety.

The [Reclaiming Futures](#) model unites juvenile courts, probation, adolescent substance abuse treatment, and the community to reclaim youth. Together, they work to improve drug and alcohol treatment and connect teens to positive activities and caring adults.

EXAMPLES FROM THE FIELD

The [Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania](#) was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication diversion policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

[King County Frequently Asked Questions about Diversion](#) outlines basic principles and processes of juvenile diversion. This comprehensive guide contains many of the primary tenets of diversion specifically catered to Kings County.

CRITICAL RESOURCES

Hyde, P. S. (2013). [View from the administrator: Diverting youth from the criminal justice system](#). Washington, DC: Substance Abuse and Mental Health Services Administration.

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 23-25). Chicago, IL: Models for Change.

Schwalbe, C., Gearing, R., Mackenzie, M., Brewer, K., & Ibrahim, R. (2012). [A meta-analysis of experimental studies of diversion programs for juvenile offenders](#). *Clinical Psychology Review*, 32(1), 26-33.

Steinberg, L. (2012). [Research network on adolescent development and juvenile justice](#). Philadelphia, PA: MacArthur Foundation.

Step Two: Referral Decision Points

IMPORTANT QUESTIONS

- At what point or points will referral decisions be made?
- Who, within the processing spectrum, will make the decision to divert youth?

Which of the various points within the juvenile justice processing continuum will be targeted for diversion?

Front-end diversion can take place throughout the juvenile justice process – from initial contact with law enforcement officials to pre-adjudication. The “decision point” is that time when a referral to the diversion process is made, based on initial eligibility criteria.

Options

The following are pre-adjudication points when diversion might occur:

- Arrest or Apprehension: When a law enforcement official has contact with a youth
- Intake: When a police officer or other authority delivers a youth, after apprehension, to an office that is authorized to “book” the case (This may include intake at a pretrial detention center.)

- Petitioning: When the court is or will soon be petitioned to begin the process leading to potential adjudication
- Pretrial Probation Contact: When a court or probation officer engages in pretrial interviewing of a youth and family in the course of formal processing

Considerations

Since one of the primary functions of diversion is to avoid or minimize formal processing, some program planners will want to consider initiating diversion at *the earliest possible point of contact with the youth*. Others may want to allow opportunity for referral at more than one point.

Certain combinations of referral decision points may defeat the purpose of diversion. For example, a plan that allows for diversion referral only at the point of petitioning or pretrial probation contact will restrict all diversion referral decisions until formal processing has already begun.

To carry out Step Two, it may be useful to make initial choices regarding the desired referral decision points, but then table the *final* decision until later in the planning process when entry criteria are discussed.

KEY WEBSITES

The Office of Juvenile Justice Delinquency and Prevention’s [Case Flow Diagram](#) depicts the trajectory of youth throughout the juvenile justice system. This flow chart represents various ways youth can enter and exit the system. It also further stresses the importance of juvenile diversion efforts.

EXAMPLES FROM THE FIELD

The Texas Front End Diversion Initiative (FEDI) is a pre-adjudicatory diversion program that aims to divert youth with identified mental health needs from adjudication by pairing them with a specialized juvenile probation officer (SJPO) who provides intensive case management services and helps link the youth and his or her family to appropriate community-based services. SJPOs receive extensive training on adolescent mental health and development, crisis intervention and management, family engagement, and motivational interviewing. The program is described by one of its developers, Dr. Erin Espinosa, in this [video](#). The [Front End Diversion Initiative Program Policy and Procedure Manual](#) describes the procedural steps to implement and sustain the FEDI model. An [evaluation](#) of the FEDI model found it to be effective at reducing adjudication and increasing access to services.

The [Chester County Pennsylvania Intake Diversion Program Final Report](#) summarizes the intake diversion program implemented by Chester County, Pennsylvania. Through collaboration with

experts in the field of juvenile justice and insight from probation practitioners and community stakeholders, a data-driven protocol was developed and implemented to divert eligible youth from formal processing to appropriate treatment services. This report describes the development of the Intake Diversion Program, as well as its process and intermediate results.

[CIT for Youth](#) aims to improve interactions between youth and law enforcement officers by training law enforcement officers and encouraging a community partnership that effectively connects youth with mental health needs to effective services and supports in the community. National Alliance on Mental Illness' CIT for Youth manual provides step-by-step guidance for implementing this program.

[Law Enforcement-Based Diversion: Strategic Innovations from the Mental Health/Juvenile Justice Action Network](#) provides a detailed update and summary on the work of the Mental Health/Juvenile Justice Action Network's Law Enforcement-Based Diversion Strategic Innovation Group.

The [Miami-Dade County Juvenile Assessment Center](#) has a number of juvenile diversion programs in place. The website features a wide variety of resources, including information regarding assessment, diversion, and specific juvenile justice data.

The [Responder Program Development Manual](#) describes Ohio's school responder model, which promotes early intervention and early recognition of youth with possible behavioral health issues that may lead to juvenile justice involvement. The Responder Program aims to increase attendance and school involvement, as well as empower schools and their administrators to incorporate programs and practices to reduce juvenile justice system involvement.

Connecticut's [School-Based Diversion Intake Toolkit: A Community Resource for Reducing School-Based Arrests](#) was created to help school administrators decrease school arrests by connecting at-risk students to community-based mental health services using the state's local Emergency Mobile Psychiatric Services teams. The principles outlined in the toolkit can be applied by schools at little to no cost.

[Schools Turn to Treatment, Not Punishment, for Children with Mental Health Needs](#) is a [Models for Change](#) Innovation Brief that shares the innovations, results, and lessons learned by Ohio and Connecticut in developing and sustaining school-based diversion models.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 25-26). Chicago, IL: Models for Change.

Skowyra, K. R., & Cocozza, J. J. (2007) [*A blueprint for change: A Comprehensive model for the identification and treatment of youth with mental health needs in contact with the juvenile justice system.*](#) Delmar, NY: National Center for Mental Health and Juvenile Justice.

Step Three: Extent of Intervention

IMPORTANT QUESTIONS

- What degree of intervention(s) will the program entail?
- Will the program hold the youth to a written contract?

What degree of intervention(s) will the diversion program have in the youth's life?

Diversion programs vary considerably in what they do beyond “stopping” formal processing. Some offer interventions and services; others do not. The extent of intervention is determined in this step of planning.

Options

The following list of responses is presented from minimal to greater intervention.

Warn and Release: Police officers provide warning or encouragement and assist youth in arriving at a safe place (typically home) immediately after arrest.

No Conditions: The youth is discharged and if no new contact with the law occurs, charges are automatically dismissed within a certain time period (usually 6-12 months).

Conditions and/or Services: This diversion process requires the fulfillment of certain conditions (restitution, community service, etc.) and/or referral to services (minor services such as skill building to major services such as substance abuse treatment). These conditions constitute an agreement between the program and the youth and family. Upon successful completion, the charges are dismissed.

Considerations

Regardless of the extent of intervention, it is important that the terms of the diversion process be documented in a clear and concise manner. With warn-and-release situations, this may be just official documentation of the incident.

Programs employing conditions and/or services often formulate a written agreement between the youth, the caregiver/family, and the diversion program. These agreements often:

- Express objectives that are measurable (deadlines, work hours, restitution amount, etc.)
- Clearly reflect that the youth knowingly and voluntarily consents to participate in diversion
- Clearly reflect that the youth and parents have been notified of their right to decline certain conditions/requirements of diversion
- Set a definite, limited duration
- Include provisions relating to both incentives and sanctions
- Express provisions for what constitutes successful completion and termination of charges

The caregivers and youth agree to seek the relevant services, and the diversion program agrees to work with the caregivers and family while they are receiving those services. Even when family members or caregivers are not available or ready to participate, youth should still be considered for diversion and services.

Both parties (youth/caregivers and diversion program) have obligations, and typically a set of incentives is built into the plan to drive the arrangement. There may also be sanctions for failing to abide by the plan's terms. Specific types of obligations, incentives, and disincentives are discussed in Steps Eight through Twelve.

KEY WEBSITES

The Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide (MPG) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). Juvenile diversion guidebook, (pp. 27-29). Chicago, IL: Models for Change.

National Juvenile Justice Network. (2010, January). Curbing re-arrest for serious offenses: Community-based alternatives for youth as effective as institutional placements. Washington, D.C.: Author

Skowrya, K., & Coccozza, J. (2007). A blueprint for change: A Comprehensive model for the identification and treatment of youth with mental health needs in contact with the juvenile justice system. Delmar, NY: National Center for Mental Health and Juvenile Justice.

Step Four: Operations

IMPORTANT QUESTIONS

- What agency or entity will establish and maintain program policies, provide staffing, and take responsibility for program outcomes?
- Will an advisory board or panel be developed to oversee the development of policies and procedures for the diversion program?
- How will the engagement and buy-in of stakeholders be secured?

What office or agency will have primary responsibility for implementing and operating the diversion program, as well as for providing community oversight?

Diversion programs are typically overseen by one office or agency, but do not operate in isolation. To be successful, diversion programs need the “buy-in” of a community’s legal, social, and behavioral health services. The importance of their involvement typically warrants the development of an advisory board or panel that can help the primary operating agency develop policies and anticipated procedures for the work of the diversion program.

Judge Linda Tucci Teodosio of the Summit County, Ohio, Juvenile Court, discusses the importance of judicial leadership in a community looking to improve its service and system response to youth with behavioral health needs: <https://youtu.be/LET2zinle0g>

Options

Primary Operating Agency

The following are examples of primary operating agencies or entities:

- County juvenile justice services – Often, the county’s juvenile probation office or a juvenile center that includes other juvenile justice services, such as pretrial detention
- Prosecutor: Often, the county juvenile prosecutor’s office
- Court: A municipal, county, or state court
- Community-based service agency: Public behavioral health services agencies, other youth services agencies, and private organizations serving youth and family needs
- Law enforcement: The local police station or sheriff’s office

Advisory Board

Working with the primary operating agency, an advisory board or panel may include:

- Legal representatives: Juvenile court, prosecutors, defense attorneys, probation officers, and law enforcement officers
- Social service professionals: public health, schools, and various organizations in the community that provide critical services to youth and families
- Victims: Victim advocacy group or someone to represent the perspective of victims

- Community consumer representatives: Caretakers or others in the community who are not associated with either legal or clinical services and who have the respect of the community's families

Considerations

Primary Operating Agency

The decision about which agency will operate the diversion program is heavily based on two factors.

1. The readiness of an agency to operate a diversion program is likely to depend on the past roles of the agency within a community.
2. There will be a tendency for the operating agency to be the one most strongly motivated to propose the development of a diversion process.

Advisory Board

The importance of constructing an advisory board cannot be overstated. Diversion programs are usually community-based programs that are dependent on community support and collaboration. Moreover, many diversion programs are not merely brokers of services, but instead work directly with the various participating community service agencies to assure a youth's success. Those operations and relationships will evolve much more smoothly if the community stakeholders are involved from the beginning of the formulation of the program's objectives, policies, and procedures.

EXAMPLES FROM THE FIELD

The [*Responder Program Development Manual*](#) describes Ohio's school responder model, which promotes early intervention and early recognition of youth with possible behavioral health issues that may lead to juvenile justice involvement. The Responder Program aims to increase attendance and school involvement, as well as empower schools and their administrators to incorporate programs and practices to reduce juvenile justice system involvement.

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[Schools Turn to Treatment, Not Punishment, for Children with Mental Health Needs](#) is a [Models for Change](#) Innovation Brief that shares the innovations, results, and lessons learned by Ohio and Connecticut in developing and sustaining school-based diversion models.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 30-32). Chicago, IL: Models for Change.

Skowyra, K.R., and Teodosio, L.T. (2014). [Judicial leadership to address adolescent mental health needs](#). *Trends in State Courts, Special Focus: Juvenile Justice - Elder Issues*, 21-25.

Step Five: Funding

IMPORTANT QUESTIONS

- How will the diversion program be funded?
- Are funding streams secured to help sustain the program in the future?
- Have other local, state, or federal resources been explored to help support the diversion program?

How will the diversion program be funded and sustained in both the short and long run?

Any jurisdiction that is developing or improving a diversion program will inevitably have to address how it will be funded and sustained in the long run. There is often no single, clear funding stream available, so identifying various sources of funding is important.

Options

It is to the benefit of the jurisdiction to research as many funding options as possible. Possible primary sources of funding include:

- County juvenile corrections or probation agency
- Municipal/county/state court
- Prosecutor

Other sources of funding may include:

- State juvenile corrections agency or detention center
- Private/community-based service agency

- State mental health and substance abuse agency
- Local Law enforcement agency
- County/state commissioner’s office
- Federal grants (e.g., Formula Grants Program, Community Prevention Grants Program and Juvenile Accountability Block Grants)

Jurisdictions may also find financial support from the following:

- Designated funds from state legislatures
- County/community grants
- Medicaid
- Private health insurance
- Private or public foundation grants
- State Advisory Groups
- Local businesses and community agencies

Considerations

Strategies for jurisdictions to pursue in their quest to secure funding include:

- Ensuring meaningful collaborative relationships with other child-serving and community-based agencies
- Conducting an administrative or legislative evaluation of the program to demonstrate cost effectiveness and using those results to redirect spending from ineffective programs
- Incorporating program outcomes into program design and outcome evaluations
- Shifting the focus from program cost to investment in public safety and crime reduction
- Using volunteer services to enhance traditional funding sources. Volunteers may be able to assist in follow-up, tracking, and case management tasks. Volunteerism may also lower program costs and sustain program efforts.
- Incorporating existing programs into diversion efforts

KEY WEBSITES

The [Council of State Governments Justice Center](#) has made targeted efforts towards justice reinvestment. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

[Grants.gov](#) is the central resource for finding and applying for federal funding. The United States Department of Health and Human Services is the managing partner and posts grants across all disciplines, including juvenile justice and mental health reform.

[SAMHSA’s Grant Information](#) strives to meet the mission of the Substance Abuse and Mental Health Services Administration in utilizing financial assistance by collaborating with clients,

encouraging individual and organizational excellence. This includes issuing awards, monitoring financial assistance, and ensuring that SAMHSA grant recipients are in compliance with federal policies.

EXAMPLES FROM THE FIELD

[Nebraska Legislative Bill 463](#), signed into law in May 2011, was created to assist the juvenile justice system provide pre-filing and diversion programming to reduce excessive absenteeism from school and unnecessary involvement with the juvenile justice system.

[Resolution No. 13,343 of Arkansas legislation](#) represents a unique strategy to securing and sustaining funding for community-based programming for justice-involved youth. A re-entry center, youth employment program, job skills center, and a prevention center were funded through a one-cent tax increase.

CRITICAL RESOURCES

Cavanaugh, D. (2006). [Financing treatment of substance use disorders for adolescents in the juvenile justice system: A reclaiming futures national program report](#). Portland, OR: Reclaiming Futures National Program Office, Portland State University.

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 32-33). Chicago, IL: Models for Change.

Models for Change Research Initiative. (2011, December). [Knowledge brief: Mental health services in juvenile justice: Who pays? What gets paid for? And who gets to decide?](#) Chicago, IL: Models for Change.

National Juvenile Justice Network. (2013, May). [Funding community-based supervision: Legislative levers to lock in local funding](#). Washington, DC: Author.

Reclaiming Futures. (2008, July). [Model practices for juvenile justice and substance abuse treatment: A report by reclaiming futures](#). Portland, OR: Author.

Wiig, J., Coccozza, J., Morris, J., Shufelt, J., & Skowyra, K. (2010). [Sustaining change: A Models for change guidebook](#). Chicago, IL: Models for Change.

Step Six: Referral and Eligibility

IMPORTANT QUESTIONS

- What youth will be eligible for diversion?

- What offenses will be accepted for diversion?
- Are there any offenses that might make a youth ineligible? Will there be options for discretion?

Which youth will be eligible for diversion? What criteria will the diversion program use to determine eligibility?

Written guidelines must be developed to set forth criteria that define eligibility for entry into the diversion program, as well the intake process. The criteria must be firm and definitive to be useful to decision-makers, yet flexible to permit the exercise of discretion. The criteria should seek to maximize the opportunities for diversion without “widening the net.”

Before discussing eligibility criteria, most diversion programs will need to start with a determination of “legal sufficiency.” This refers to whether the facts alleged in the complaint are sufficient in terms of jurisdiction (they are within the authority of the juvenile court) and in terms of facts (the known facts of the case) to indicate that the allegation can be substantiated. Without legal sufficiency, the case should be dismissed. Diversion should not be a “dumping ground” for cases that should never have been initiated. With no consideration of legal sufficiency, diversion processes run the risk of net widening.

Once legal sufficiency is considered, the diversion program applies its eligibility criteria for entry into the program. There are two broad types of eligibility criteria:

Initial Eligibility Criteria

After a youth is apprehended by police officers, there will be one or more points at which a person or office can say, “This is a youth who fits the criteria for referral to the diversion program.” That person or office may have very specific rules regarding the case facts that would make a youth eligible to be referred.

De-selection Criteria

Once a youth is referred to the diversion program, the youth and family typically have an initial meeting with a staff person working in the diversion program. During this process, other facts might arise that would make entry into the diversion program inappropriate for that youth. Thus, not all youth who are referred to diversion will necessarily engage in the diversion program.

Options

Deciding on the program’s initial and de-selection criteria can be one of the most important and complex set of decisions that planners will make. The following options are offered to facilitate this decision.

Initial Eligibility Criteria

Consider the following criteria, which involve age, history, and type of offense.

Age: Youth of what age range will be eligible for diversion? The most common age range is 10 years to the highest age that is under the jurisdiction of the juvenile justice system (typically 17th or 18th birthday, but this varies state to state).

History: In most diversion processes, intake criteria include consideration of a youth's prior history with diversion and the court. While most programs specify that youth are eligible if they have no prior offense, decision-makers can make diversion available to those youth who have previously successfully completed diversion and even those who previously have been adjudicated delinquent. Diversion planners should consider the target population for diversion as they decide how the youth's criminal history affects their eligibility for diversion.

Type of Current Alleged Offense: Diversion programs often exclude youth from eligibility based on the type of current charge. This refers to the charge that would be filed if the youth were formally charged on the basis of the behavior for which they were apprehended. Jurisdictions differ in the manner in which they classify offenses; however, most jurisdictions have broad classifications for (a) status offenses (would not be criminal offenses if the youth were an adult), (b) misdemeanors, and (c) felonies.

Regarding the type of current alleged offense, several levels of decisions may be necessary. The first pertains to the program's objectives. Programs may focus:

- Entirely on status offenses, excluding all youth arrested for behaviors that would be categorized as delinquencies
- Entirely on potential delinquencies, excluding all youth apprehended on status offenses or truancies
- On both status offenses and delinquencies

If the program includes youth apprehended for behaviors that would be delinquencies, the next level of decisions involves the types of delinquency, such as:

- Misdemeanors only
- Misdemeanors and felonies
- Misdemeanors and felonies, but excluding some felonies. Specific felonies that are most often ineligible for diversion are weapons-related offenses; gang-related offenses; and violent offenses (ranging from battery to murder)

De-selection Criteria

As noted earlier, de-selection criteria are applied during the first interview with a diversion counselor (after the youth has been referred to the diversion program based on initial criteria). De-selection criteria may lead to non-participation in the program, even though the youth has met initial criteria. Examples of de-selection criteria include:

Risk Factors: Programs may choose to consider an additional set of risk factors beyond the case facts that were used as initial criteria. These additional risk factors may be recognized in the diversion program intake interview with youth and caregivers. Furthermore, the interview sometimes reveals that the case facts applied to the threshold decision were inaccurate. Thus, in a minority of cases, youth who are referred to the diversion program may be de-selected.

Youth and Caregiver Decline: Diversion programs typically are voluntary. Youth and caregivers may decline to participate in the diversion program after they are informed of the conditions of participation, especially those actions that will be required of them. Their declination would deselect the youth from the diversion program.

Considerations

Offense Criteria

Establishing criteria requires a careful balance between two primary values: avoiding formal processing of youth while ensuring access to services and assuring public safety. The two values are interdependent, in the following ways:

- Failing to attend to public safety concerns can lead to the diversion program's failure to provide youth with community-based services.
- Creating highly conservative threshold criteria in the interest of public safety will decrease the number of youth eligible for diversion. This decreases the opportunities for the diversion program to direct youth to community services known to reduce recidivism, thus potentially increasing long-range risks to public safety.

Research tells us that some risk factors are important predictors of future re-offending, while other supposed warning signs are not actually related to re-offending. None-the-less, community standards and perceptions must be weighed. Judgments about initial eligibility criteria can be improved by reviewing information on reliable risk factors, such as validated risk screening tools. Planners may also wish to seek the guidance of researchers and others in the field who are familiar with literature on youth risk factors.

Discretion

Whatever the initial eligibility criteria, a procedural question to consider is whether those who apply the criteria "must" refer each youth who meets the criteria. Can the eligibility criteria be overridden in certain cases? A program that allows decision-makers to simply "take the initial criteria into consideration" and then use their own discretion on whether or not to divert is in danger of operating in an inconsistent and potentially unfair manner.

Having said this, planners may not want to employ initial eligibility criteria that provide no option for discretion in unusual cases. It is inevitable that authorities who apply the initial criteria will encounter cases in which the criteria are met, but additional information that is

available to them strongly indicates that the youth or the community is in grave and imminent danger if the youth is diverted without immediate control by the juvenile justice system.

For these reasons, planners may want to consider a “must” rule, but with a tightly defined discretionary option to override in extraordinary circumstances and with such decisions subject to documentation. The discretionary override may require:

- Additional information not previously known
- An extraordinary circumstance
- Prior discussion with a second authority
- A process of documentation of the exceptional reason
- Review at a monthly or quarterly meeting of the diversion program

Caregiver and Youth De-Selection

When discussing de-selection criteria, some youth and caregivers may decide to not accept the diversion program. Diversion programs are voluntary. When the conditions are not acceptable to the youth or caregiver, they should be allowed to decline.

KEY WEBSITES

The [Juvenile Detention Alternatives Initiative \(JDAI\)](#) was designed to support the Casey Foundation’s vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. JDAI promotes changes to policies, practices, and programs to: reduce reliance on secure confinement; improve public safety; reduce racial disparities and bias; save taxpayers’ dollars; and stimulate overall juvenile justice reforms.

[Models for Change](#) has compiled an extensive list of materials dedicated to a number of different juvenile justice issues. The Diversion section contains copies of several guidebooks with step-by-step instruction, as well as publications evaluating statewide initiatives from across the country.

The [Office of Juvenile Justice and Delinquency Prevention’s Model Programs Guide \(MPG\)](#) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety.

The [Reclaiming Futures](#) model unites juvenile courts, probation, adolescent substance abuse treatment, and the community to reclaim youth. Together, they work to improve drug and alcohol treatment and connect teens to positive activities and caring adults.

EXAMPLES FROM THE FIELD

The Texas Front End Diversion Initiative (FEDI) is a pre-adjudicatory diversion program that aims to divert youth with identified mental health needs from adjudication by pairing them with a specialized juvenile probation officer (SJPO) who provides intensive case management services and helps link the youth and his or her family to appropriate community-based services. SJPOs receive extensive training on adolescent mental health and development, crisis intervention and management, family engagement, and motivational interviewing. The program is described by one of its developers, Dr. Erin Espinosa, in this [video](#). The [Front End Diversion Initiative Program Policy and Procedure Manual](#) describes the procedural steps to implement and sustain the FEDI model. An [evaluation](#) of the FEDI model found it to be effective at reducing adjudication and increasing access to services.

The [Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania](#) was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication diversion policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

[Innovative Practices in the Juvenile Justice System: The Campbell County Status Offense Project](#) describes and assesses the effectiveness of a truancy abatement program within Campbell County. This PowerPoint presentation includes an analysis of effectiveness and general program guidelines.

Within the [Jefferson County website](#) is an entire section dedicated to juvenile diversion efforts within this particular locality in Colorado. Clearly listed are the description and rationale for each of the eligibility criteria for youth who are eligible for diversion services. The website also offers additional resources regarding diversion, including its juvenile assessment center.

[Juvenile PreTrial Diversion](#) is a fact sheet that explains the basics of diversion efforts, as well as eligibility criteria and services that are offered for youth being diverted, in Saunders County, Nebraska.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 34-38). Chicago, IL: Models for Change.

Step Seven: Screening/Assessment

IMPORTANT QUESTIONS

- Will any screening and/or assessment methods/tools be used to determine a youth’s eligibility? If so, how will these tools be chosen and who will administer them?
- For what purposes will screening and assessment be used?

Will evidence-based screening and assessment methods be used to assess risk, needs, and behavioral health problems?

Screening and assessment tools can be used to assess the risk of future harm to self or others; the strengths and needs of a given youth; and special considerations related to behavioral health problems.

Screening refers to a brief process of no more than 15 minutes that occurs for every youth. It identifies youth who warrant immediate attention and intervention, as well as youth who need more comprehensive evaluation.

In a smaller number of cases, assessment is conducted. Assessment offers a more comprehensive, individualized, and in-depth examination of the needs, strengths, and problems identified during initial screening. (For more information on screening and assessment, [click here](#).)

When choosing a screening or assessment instrument, it is important to use tools that are empirically validated (often referred to as “evidence based”). This means that the tool is:

- *Standardized*: is conducted the same way every time with every youth
- *Relevant*: helps in making the necessary decisions at hand and is compatible with the skill level of staff
- *Reliable*: produces the same results
- *Valid*: measures what the tool claims to measure

Options

Screening Tools

Diversion programs may provide a variety of screening tools, including the following:

- *Risk* screening tools to determine the likelihood that a given juvenile will re-offend.
- *Mental health* screening tools to identify mental health symptoms in need of immediate response (such as suicide risk) and/or requiring further evaluation
- *Substance use* screening tools to identify youth who warrant further attention because of suspected substance use disorders

Assessment

Assessment tools typically require more training, and often must be administered by clinical staff (individuals with specialized master’s or doctoral level degrees). There are many types of assessment tools, designed for obtaining more detail on:

- Mental illness
- Substance use disorders
- Trauma-related disorders
- Special educational needs
- Specific problem areas of adjustment in a youth's life (e.g., family issues, peer relations)
- Personality traits related to offending

Considerations

Many diversion programs use risk screening when applying the initial criteria for eligibility. Some also include a brief behavioral health screening tool, especially if the diversion program favors diversion objectives that increase the likelihood that youth with behavioral health problems receive services in the community.

Screening and assessment tools, when implemented successfully, can increase the chance that diversion and accompanying services are made available in an effective manner. Screening and assessment tools can also help a diversion program allocate resources for youth, reserving them for those youth at the highest risk of re-offending and/or experiencing considerable psychosocial issues.

As a first step in selecting screening and assessment tools, planners can review the [screening resources available on this website](#). Many programs seek the advice of clinicians with specialized training in screening and assessment.

KEY WEBSITES

The [Global Appraisal of Individual Needs](#) is a progressive and integrated family of instruments with a series of measures and computer applications designed to support a number of treatment practices, including: initial screenings; brief interventions and referrals; standardized clinical assessments for diagnosis, placement, and treatment planning; monitoring change in clinical status, service utilization, and costs to society; and subgroup and program-level needs assessment, evaluation, and secondary analysis.

The [National Youth Screening and Assessment Project \(NYSAP\)](#) provides training, technical assistance, and other resources for identifying youth with behavioral health needs. NYSAP is the creator of the MAYSI-2, a screening and assessment tool widely used for diversion. It also has a number of publications dedicated to behavioral health issues for juveniles.

CRITICAL RESOURCES

Center for Substance Abuse Treatment. (1998). [Screening and assessing adolescents for substance use disorders](#). Treatment Improvement Protocol (TIP) Series, No. 31. HHS Publication

No. (SMA) 12-4079. Rockville, MD: Substance Abuse and Mental Health Services Administration.

Models for Change Juvenile Diversion Workgroup. (2011, March). [*Juvenile diversion guidebook*](#), (pp. 38-40). Chicago, IL: Models for Change.

Models for Change Research Initiative. (2011, December). [*Knowledge brief: Can risk assessment improve juvenile justice practices?*](#) Chicago, IL: Author.

Models for Change Research Initiative. (2011, December). [*Knowledge brief: Does mental health screening fulfill its promise?*](#) Chicago, IL: Author.

National Center for Mental Health and Juvenile Justice. (2007, November). [*Mental health screening with juvenile justice: The next frontier*](#). Chicago, IL: Models for Change.

Substance Abuse and Mental Health Services Administration. (2011). [*Identifying mental health and substance use problems of children and adolescents: A guide for child-serving organizations*](#) (HHS Publication No. SMA 12-4670). Rockville, MD: Author.

Vincent, G. (2011). [*Screening and assessment in juvenile justice systems: Identifying mental health needs and risk of reoffending*](#). Washington, DC: Technical Assistance Partnership for Child and Family Mental Health.

Vincent, G., Guy, L., & Grisso, T. (2012). [*Risk assessment in juvenile justice: A guidebook for implementation*](#). Chicago, IL: Models for Change, National Youth Screening and Assistance Project.

Step Eight: Participant Requirements

Important Questions

- What obligations and conditions will the program require for the youth's participation and successful completion?
- How will requirements focus on youths' strengths, address behavioral health needs, satisfy victim concerns, and involve community efforts?

What conditions and responsibilities will youth have to meet to ensure their meaningful participation in the diversion program?

When youth agree to participate in diversion, they also typically agree to abide by conditions and responsibilities associated with program participation. Failure to do so may result in termination from the diversion program, as well as other penalties. These conditions should be

clearly reflected in a formal written agreement between the youth, the family, and the diversion program. Written agreements often contain the following:

- Measurable objectives and conditions to be met by the youth (for example, agreement to participate in services, hours of community services, exact amount of restitution), rather than vague conditions (show respect). These conditions should be defined in detail and include a time line for completion.
- A formal process for reviewing and monitoring compliance
- A system of rewards for compliance and sanctions for noncompliance
- A statement of the agreement's duration
- Verification that victim input was sought and taken into account
- Verification that the youth and caregiver were notified of their right to decline diversion

Options

Participation requirements will vary a great deal depending on the type of diversion process. For example, "warn and release" diversion programs may have no requirements. For those that do, however, one or more of the following requirements and/or conditions are common:

- Participation in screening and assessment
- Participation in community service programs
- Attendance at scheduled diversion program appointments
- Continued participation for a specified length of time
- Restitution

There are many other possible participant requirements that diversion programs may use, such as:

- Admission to the illegal behavior that led to a referral to diversion
- Acceptable demeanor when meeting with the diversion program contact
- Attendance
- Absence of new arrests
- Consent to participate in diversion
- Signing of diversion agreement

Considerations

This step involves two major considerations: (a) specific types of requirements, and (b) the nature of the youth's and caregiver's consent.

Type of Requirements

Participants must be clearly informed at the onset of enrollment in the program that continuation is contingent on satisfying program requirements. Youth will likely recognize the connection between most requirements, such as screening and assessment, to the objective of

obtaining needed services. The reason for other requirements, such as urinalysis, might not be as clear to youth, but none-the-less must be complied with if called for by the program.

Additional requirements may include:

- Youth and caregiver agreement to use one or more of the community services prescribed by the diversion program
- School participation
- Attendance at diversion program appointments
- Youth responsibility for the actions that resulted in their referral to the diversion program
- Absence of new arrests

Youth and Caregiver Decisions to Participate

Diversion programs typically regard youths' participation as voluntary. As with any major decision, it is important for youth and caregivers to be fully informed. Information should be provided on:

- Potential benefits of the program
- Expectations of the youth and caregiver
- Potential consequences of failure to abide by required conditions if participation is accepted
- Potential consequences if participation in the program is declined

When youth and/or caregivers decide to not participate in diversion, some programs proceed with formal processing of the charges through the juvenile justice system's normal adjudication process. The decision to proceed with formal processing is a serious one that can have negative consequences for the youth.

Under such circumstances, programs face a legal uncertainty. Must the youth's decision about acceptance or decline of the program meet legal requirements for informed consent? If youth decide to accept responsibility and participate in the diversion program, rather than defend themselves against the charges, is this tantamount to a decision to plead "guilty?" If so, then some jurisdictions might regard the decision to accept or decline diversion participation as requiring informed consent (i.e., must be made knowingly and intelligently by a youth who is considered competent to decide).

How this question is handled will depend on local juvenile laws and policies, because there is no overarching legal precedent to provide an answer. It is recommended that planners consult local juvenile prosecutors and defense attorneys to resolve this issue. Programs that do not formally process youth who choose not to participate are less likely to encounter this problem, because the immediate consequences of declining to participate are not as serious as in programs in which refusal results in formal processing and potential adjudication of the charges.

EXAMPLES FROM THE FIELD

The Texas Front End Diversion Initiative (FEDI) is a pre-adjudicatory diversion program that aims to divert youth with identified mental health needs from adjudication by pairing them with a specialized juvenile probation officer (SJPO) who provides intensive case management services and helps link the youth and his or her family to appropriate community-based services. SJPOs receive extensive training on adolescent mental health and development, crisis intervention and management, family engagement, and motivational interviewing. The program is described by one of its developers, Dr. Erin Espinosa, in this [video](#). The [Front End Diversion Initiative Program Policy and Procedure Manual](#) describes the procedural steps to implement and sustain the FEDI model. An [evaluation](#) of the FEDI model found it to be effective at reducing adjudication and increasing access to services.

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CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 41-44). Chicago, IL: Models for Change.

Step Nine: Services

IMPORTANT QUESTIONS

- What services will be provided for the youth while participating in the diversion program?
- Will the diversion program need to perform an inventory of community services, and if so, who will be responsible for this effort?
- Will the diversion program encourage or require the youth's family to participate in services?
- Are there any agreements in place or Memoranda of Understanding (MOU) among the program and community service providers that will better facilitate services to the youth?

What services, if any, will be provided to the youth by the diversion program or through referral to community-based services, and how will those services be administered?

The primary function of a diversion program depends on the program's objectives. Some youth will not require services and some diversion programs will not provide services to youth. But if

an objective of a diversion program is to resolve the underlying causes of delinquent behavior by engaging youth and caregivers in services and interventions, a useful step in developing the program is to create a coalition of community-based programs. Planners who are developing services-oriented diversion programs will want to consider what is available in their community and which providers are willing to work with the diversion program.

Once necessary and available services are identified, planners must discuss how services will be administered. Will the services be administered directly through the program or will the program refer youth to services operated by others? Some diversion programs might do a combination of both, providing some services in-house and creating a coalition of services in the community to administer other services through a referral process.

Options

Taking Inventory

To create a coalition of services, taking inventory of what services the diversion population needs and what the community actually has to offer often comes first. Services might include the following:

- Family interventions, including family counseling, Multi-Systemic Therapy, Functional Family Therapy
- Integrated treatment for co-occurring disorders, in which “consumers receive combined treatment for mental illnesses and substance use disorders from the same practitioner or treatment team” ([SAMHSA, 2010](#))
- Substance use intervention, including detoxification services and individual/group programs to reduce alcohol and drug use and dependence
- Mental health treatment, ranging from individual psychotherapy and counseling to more intensive mental health services, as well as services that are not “diagnostically specific” (e.g., anger management programs)
- Mentoring programs that connect youth with caring adults who can provide positive one-on-one “big brother” and “big sister” relationships
- Life-skills training that teach skills related to the workplace and to roles as caregivers and partners
- Educational assistance programs that help youth improve their study and comprehension skills
- Job placement services, which can help youth find summer and part-time jobs

Other types of programs that can augment the above services include:

- Respite and support services for caregivers (especially caregivers of youth)
- Transportation services to other intervention services
- Financial aid to defray program costs, if any
- Wraparound services
- Medicaid assistance
- After-school recreational and support programs

After services have been inventoried and examined for quality, planners should build in time to enlist the involvement of relevant community services. Typically, this will involve making contacts with them and indicating the future program's interest in referring youth to them. The contact could include discussion of each service's specific requirements and exclusions regarding the youth referred to them.

Administering Services

In-house administration: When diversion programs have in-house service providers, youth receive recommended services at the program site.

Referral: Diversion programs that prefer to make referrals to community services establish agreements with service providers in the community. Drawing from this coalition of services, the diversion program refers youth to the appropriate services and tracks the youth's progress in the services.

Combination of service delivery: Some diversion programs combine the above two options, providing some services to youth in-house, as well as referring youth to other services in the community.

Considerations

The process of conducting a community needs assessment and inventory of community youth programs need not begin from scratch. Needs assessments and inventories are often already available in many communities; examples are included as hyperlinks below. Planners should use the information from the community needs assessment to match the needs of the youth to the services the community offers.

Once resources have been reviewed, planners must determine the willingness of community-based service providers to take referrals from the proposed diversion program. There must also be a way to match the service providers' intake requirements and program features with the youth who may be referred to them.

Obtaining collaborative agreements from community services that are willing to participate typically occurs during the contact stage of taking inventory. Other mechanisms for securing collaboration include establishing Memoranda of Understanding (MOU) and convening a meeting of representatives from all of the participating community services.

KEY WEBSITES

The National Council of Juvenile and Family Court Judges has compiled information on validated treatment interventions and screening tools in the [Adolescent-Based Treatment Database](#). The database details intervention basics, special considerations for juvenile drug courts, and

engagement strategies. It serves as a “one-stop-shop” for juvenile drug courts researching adolescent-focused treatment and screening tools.

[Blueprints for Healthy Youth Development](#) is a research project within the Center for the Study and Prevention of Violence, at the University of Colorado Boulder. The Blueprints mission is to identify evidence-based prevention and intervention programs that are effective in reducing antisocial behavior and promoting a healthy course of youth development.

[Findyouthinfo.gov](#) provides information, strategies, tools, and resources for youth, families, schools and community organizations related to a variety of cross-cutting topics that affect youth. These issues include prevention, resource mapping, mentoring, mental health, and substance use.

The [National Registry of Evidence-based Programs and Practices](#) (NREPP) of the Substance Abuse and Mental Health Services Administration is a searchable online registry of more than 310 substance abuse and mental health interventions. It was developed to help the public learn more about evidence-based interventions that are available for implementation. The NREPP’s search feature allows users to filter interventions by specific age group, outcome, and areas of interest.

The [Office of Juvenile Justice and Delinquency Prevention’s Model Programs Guide \(MPG\)](#) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety.

In addition to providing summaries of effective programs, the [Promising Practices Network](#) features issue briefs on current research in various topics, as well as expert perspectives. To promote successful implementation of best practices and model programs, the Promising Practices Network also screens and posts evidence-based information on effective service delivery.

EXAMPLES FROM THE FIELD

The Texas Front End Diversion Initiative (FEDI) is a pre-adjudicatory diversion program that aims to divert youth with identified mental health needs from adjudication by pairing them with a specialized juvenile probation officer (SJPO) who provides intensive case management services and helps link the youth and his or her family to appropriate community-based services. SJPOs receive extensive training on adolescent mental health and development, crisis intervention and management, family engagement, and motivational interviewing. The program is described by one of its developers, Dr. Erin Espinosa, in this [video](#). The [Front End Diversion Initiative Program Policy and Procedure Manual](#) describes the procedural steps to implement and sustain the FEDI model. An [evaluation](#) of the FEDI model found it to be effective at reducing adjudication and increasing access to services.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [*Juvenile diversion guidebook*](#), (pp. 44-48). Chicago, IL: Models for Change.

Morris, J., Day, S., & Schoenwald, S. (2010, November). [*Turning knowledge into practice: a manual for human service administrators and practitioners about understanding and implementing evidence-based practices, \(2nd edition\)*](#). Chicago, IL: Models for Change.

Step Ten: Incentives

IMPORTANT QUESTIONS

- Will the diversion program use any incentives to motivate youth and/or caregivers throughout the diversion process? If so, what forms of incentives will be used?
- Is the use of incentives economically feasible for the diversion program and what funding source will support incentives?
- Will the court agree to dropping charges against the youth or expunging records once the youth successfully completes the terms of diversion?

Will the diversion program employ incentives to motivate youth and caregivers? If so, what forms of incentives will be used?

Diversion programs typically use incentives to motivate youth and their caregiver(s) to fully engage in the diversion process.

Options

The primary incentives that diversion programs offer include:

No Further Action: Diversion programs often stipulate that once a program is successfully completed, the original cause of action will be dismissed. No further action is taken and the juvenile's participation in the program may not be used against him/her in future proceedings. In some states, this is provided by statute and in others by local juvenile court policy.

Expunge Records: Diversion programs typically offer expungement of the youth's record upon successful completion of the diversion program. If this expungement is not automatic (that is, if it requires that the youth apply for expungement), youth who successfully complete diversion programs should be encouraged to pursue expungement of their juvenile court and law enforcement records. As part of their diversion programs, planners should establish who will assist youth in getting their records expunged, preferably at minimal or no cost to the youth and family.

Diversion programs also sometimes employ the following incentives:

Reduced Program Requirements: Some diversion programs gradually reduce program requirements if the youth stays on track as the program proceeds. This can include decreased reporting, less supervision time, and reduced monitoring.

Other: Diversion programs use a wide range of other incentives, such as awards, gifts, and verbal accolades. Creatively offering what youth value can greatly promote their motivation to fully engage and participate in the program.

Considerations

When planning incentives, specific considerations include the following:

Effectiveness: Program planners should consider what leads to successful completion of the diversion program. What incentives have been effective in their community or other similarly situated communities?

Feasibility: Program planners should consider whether certain incentives are possible for their program. Can the program provide the resources necessary for the incentive? (For example, planners cannot simply agree to expungement of records; ultimately, the juvenile court is the only authority that can offer this incentive.) Can staff track the youth's progress to confer incentives when appropriate?

EXAMPLES FROM THE FIELD

[*Innovative Practices in the Juvenile Justice System: The Campbell County Status Offense Project*](#) describes and assesses the effectiveness of a truancy abatement program within Campbell County. This PowerPoint presentation includes an analysis of effectiveness and general program guidelines.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). [*Juvenile diversion guidebook*](#), (page 48). Chicago, IL: Models for Change.

Step Eleven: Consequences of Failure to Comply

IMPORTANT QUESTIONS

- Will there be negative consequences for youth who fail to comply with the diversion program's requirements? If so, what will these sanctions be?

- Will the youth be formally processed for failing to comply with diversion?

Will there be consequences for youth who fail to comply with program requirements and, if so, how will those consequences be specified?

Planners must establish consequences for youth who choose to participate in diversion but do not abide by the program's requirements.

Options

Program Adjustments: A number of diversion programs respond to youths' failure to comply with program requirements (e.g., unreliable use of services) by increasing the frequency or intensity of monitoring, or by increasing the length of program participation.

Dismissal from Program without Formal Processing: Diversion programs may employ sanctions that simply recognize the youth's failure to abide by the requirements of the program. That is, if a youth is unreliable in accessing the services that were offered, the youth is dismissed from the program, without formal processing. Some programs add that the youth will be ineligible for diversion a second time if he or she is later arrested on other charges.

Dismissal from Program with Formal Processing: Diversion programs may respond to youths' failure to adhere to program requirements by "rescinding" diversion and returning the youth to formal juvenile justice processing. Typically, this means that the youth is charged on the alleged offense for which formal processing was originally declined in favor of diversion.

Considerations

There is much to be said for limiting a diversion program's sanctions to program adjustments that create greater monitoring and/or dismissal and ineligibility for diversion in the event of a future arrest. The alternative to these responses – immediately petitioning for formal processing upon dismissal from the program – presents various difficulties that tend to defeat the purpose of diversion. For example, many youth in diversion programs are first-time minor offenders. If they do not obey diversion requirements, a policy that sends them back to juvenile court for adjudication gives them a delinquency record. On the other hand, programs that do not return diverted youth to juvenile court when they disobey diversion rules may result in a few of those youth being arrested on future charges, but many will not be arrested in the future and will never have a delinquency record.

EXAMPLES FROM THE FIELD

The Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication division policies and

procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March). Juvenile diversion guidebook, (page 49). Chicago, IL: Models for Change.

Step Twelve: Program Completion/Exit Criteria

IMPORTANT QUESTIONS

- How will the diversion program monitor a youth's success or failure during program participation?
- How will successful program completion be defined?
- Will exit criteria be established?

How will "successful program completion" be defined? Will the diversion program employ exit criteria?

Diversion programs should define the conditions under which youth exit the program. Failing to establish exit criteria may lead to both frustrated youth and frustrated program employees.

Options

There are several ways to address criteria for exiting the program:

Time-Based Criterion: Specifying a length of time that all youth must participate in the program ensures that youth are not kept in the program for an overly extensive amount of time. In some cases, keeping a youth in a diversion program for too long may have negative consequences.

Performance-Based Criterion: In this approach, the agreement between youth and diversion program establishes measurable goals that are regularly evaluated (e.g., four weeks with no school absences, an agreed-upon restitution, making contact with and beginning community service, etc.). When these goals are accomplished, the youth exits the program.

Failure to Comply Criterion: Certain unacceptable behaviors (e.g., re-arrest, a number of absences from school, etc.) are stated, with infraction of any of these behaviors resulting in exit from the program.

Considerations

Exit from the diversion process is provided in a variety of ways. Some statutes set a maximum time limit over which the diversion process may not extend. Other statutes provide that the diversion process may be terminated when and if a juvenile participant violates any of the terms and conditions of the diversion. The diversion process may also be terminated, according to some statutes, when designated stakeholders feel that diversion is no longer the appropriate process for a given juvenile.

It is important to note that planners may want to avoid inflexible exit criteria. A diversion program must convey clear expectations to youth and caregivers, but those expectations should leave room for flexibility in terms of how well the youth is doing in the program. Program completion can depend on the program's exit criteria and the youth's progress in the program.

Most programs will want to monitor youth in the program to ensure they are improving. Some degree of monitoring, which is clearly set forth in the diversion agreement, can help prevent cases from "falling through the cracks." Monitoring can help diversion programs discover easily remedied reasons for a youth's failure to access or maintain contact with interventions or services.

There are several ways a program can monitor youth:

- **Minimal Monitoring:** No monitoring outside of regular contacts with the youth and caregiver takes place. For youth who do not need services, the diversion program may just "check in" regularly to gauge how the youth is doing.
- **As-Needed Reporting:** If the diversion program links youth to services, an agreement that the service provider will contact the diversion program whenever there is a loss of contact with the youth is advised.
- **Formal Reporting of Progress:** Reporting arrangements are established with the provider of community-based services to which the youth is referred.
- **Referral Monitoring:** The diversion program has in place a procedure to confirm that the youth makes contact with the community-based service provider.

EXAMPLES FROM THE FIELD

The Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication division policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

CRITICAL RESOURCES

Models for Change Juvenile Diversion Workgroup. (2011, March.) Juvenile diversion guidebook, (pp. 50-51). Chicago, IL: Models for Change.

Step Thirteen: Information Use

IMPORTANT QUESTIONS

- What will guide the use of information obtained during the youth's participation in the diversion program?
- How will policies concerning the collection and use of information be clearly conveyed to youth and caregivers prior to participation in diversion?

What procedures and protocols will be in place to establish how information is collected during the youth's participation in the diversion program?

From the initial screening and assessment through exit from the program, the diversion process involves much communication among youth, caregivers, and diversion program personnel. Some states require that program staff report on certain matters (e.g., suspected child abuse). In recent years, many jurisdictions have begun to address confidentiality in the diversion process by developing policies and/or passing legislation with regard to statements made and information shared during diversion.

To realize the full benefits of confidentiality policies, they must be shared with youth and caregivers when their obligations and the program's responsibilities are explained.

Options

Confidentiality with Incriminating Statements: When developing a diversion program, an important decision is what, if any, information will be kept confidential. While a few jurisdictions have required youth to consent to release all information related to their participation in the diversion program, most jurisdictions have formal and informal policies that generally deem certain statements or information divulged during diversion as confidential (subject to statutory and constitutional conditions). Incriminating statements made by a juvenile participant during diversion or informal processing shall not be used later against the declarant. Some jurisdictions say this protection extends to the entire course of the diversion process, while others limit it to the screening, assessment, and treatment elements of the diversion program.

Confidentiality When Required to Admit to Offense: The issue of confidentiality is of the utmost relevance in diversion programs where youth are required to admit to the offense as a prerequisite for the program. Many programs have such a requirement in order to hold youth accountable for their actions. These statements have the potential to be used against youth should they fail to complete the program and the case be returned to court. However, such an “admission” could arguably be deemed “involuntary” at a suppression hearing and therefore inadmissible, so there is no real benefit in not allowing these statements to be kept confidential. Programs can still require that participants accept responsibility for their actions.

Written Policies and MOUs Concerning Confidentiality: The development of policies addressing confidentiality during diversion has been undertaken in different ways. In some jurisdictions, statutes have been enacted specifically describing what information collected during diversion may be released. In other jurisdictions, written policies about confidentiality have been developed to encourage the youth to share information openly. Some jurisdictions have attempted to formalize these confidentiality policies by developing MOUs among relevant stakeholders.

Therapist-Patient Confidentiality: Some jurisdictions have upheld confidentiality during diversion by extending service providers the status of behavioral health therapist, thereby invoking the therapist-patient privilege of confidentiality. The types of information (such as information collected during screening, assessment, and treatment) that are to be kept confidential should be formally noted.

Considerations

Jurisdictions must carefully consider confidentiality provisions that encourage the free exchange of information in the context of diversion, especially when addressing potential behavioral health issues and when discussing youth’s past criminal history for the purposes of risk assessment. Jurisdictions that do not provide any type of privacy protection run the risks of restricting the degree of information or collaboration obtained from the youth and caregivers during the course of the program and violating youth’s due process protections.

By encouraging open communication during screening, assessment, and treatment, better outcomes for youth and the entire system are possible.

KEY WEBSITES

The [Health Insurance Portability and Accountability Act Summary](#) examines key elements of the Privacy Rule, including who is covered, what information is protected, and how protected health information can be used and disclosed.

In partnership with the Center for Juvenile Justice Reform at Georgetown University, the Juvenile Law Center launched an [Information Sharing Certificate Program](#). The program,

supported with funding from the MacArthur Foundation's Models for Change initiative, is designed to enable leaders in the juvenile justice, child welfare, education, behavioral health, and other child-serving fields to overcome information-sharing challenges that prevent the communication and coordination necessary for adequately serving youth known across multiple systems of care.

EXAMPLES FROM THE FIELD

The [Kings County Resource Guide to Information Sharing](#) provides better understanding of what information may be shared by participants in juvenile dependency, juvenile justice, education, mental health, and substance abuse treatment systems. This booklet summarizes what information can be shared, how much can be shared, and to whom it can be shared.

CRITICAL RESOURCES

Child Welfare League of America and Juvenile Law Center. (2008) [Information sharing toolkit](#). Chicago, IL: Models for Change.

Laney, R. (July, 1996). [Information sharing and the family educational rights and privacy act](#). Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Mankey, J., Baca, P., Rondenell, S., Webb, M., & McHugh, D. (2006). [Guidelines for juvenile information sharing](#). Washington, DC: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 52-53). Chicago, IL: Models for Change.

Step Fourteen: Legal Counsel

IMPORTANT QUESTIONS

- What role will defense counsel play? Are there local policy provisions in place or statutory guidelines that establish the role of counsel?
- Will the diversion program make counsel available to youth and family?

In the absence of a state statute or local policy, what will be the guidelines for the role of counsel?

Throughout pre-adjudication diversion, counsel will play a role in cases where a petition is filed and the right to counsel has attached. The role of counsel during diversion is limited to the

initial intake when the youth is deciding whether or not to participate. Even where the right to counsel is not covered in state statute or other jurisdictional policy, some diversion programs provide for a wide range of defense counsel roles.

Options

In the absence of a state statute or local policy provisions, programs have several options to consider when determining what role counsel will play. These include:

- Provide counsel throughout the diversion process
- Provide counsel for the participation decision
- Make no provision for counsel, but youth may retain counsel privately

Considerations

The confidentiality provisions of a program will affect the role of counsel. The need for counsel is greater when all admissions, communications, screenings, assessments, evaluations, and reports conducted during diversion are not confidential and can be forwarded to the prosecutor, judge, probation officer, or any other official in a subsequent adjudication.

For youth to understand the choice they are making to enter into diversion, and appreciate the consequences should they fail to meet the requirements, it is crucial that they have a good understanding of the legal ramifications, conditions, and process of diversion. Having youth consult with an attorney helps ensure that the youth is properly informed. This problem is less at issue, of course, in jurisdictions that do not make formal processing a consequence of the youth deciding not to participate in diversion.

KEY WEBSITES

The Juvenile Indigent Defense Action Network of the National Juvenile Defender Center is a Models for Change-supported effort launched to engage leadership in targeted strategies to improve juvenile indigent defense policy and practice. The action network is an issue-focused forum for the development and exchange of ideas and strategies across states, and for sharing practical information and expertise in support of reform.

CRITICAL RESOURCES

Burrell, S. (2010, January). Juvenile delinquency: The case for specialty training. Chicago, IL: Models for Change.

Children and Family Justice National Juvenile Defender Center and Center of the Bluhm Legal Clinic at Northwestern School of Law. (2008, December). The Illinois juvenile defender practice notebook. Chicago, IL: Models for Change.

Juvenile Law Center. (2011, January). Innovation brief: Raising the standards of juvenile indigent defense. Chicago, IL: Models for Change.

Models for Change Juvenile Diversion Workgroup. (2011, March). Juvenile diversion guidebook, (pp. 53-55). Chicago, IL: Models for Change. National Juvenile Defender Center. (2013, February).

National juvenile defense standards. Washington, DC: Author.

Sterling, R. W., Crawford C., Harrison S., & Henning K. (2009) Role of juvenile defense counsel in delinquency court. Washington, DC: National Juvenile Defender Center.

Step Fifteen: Program Integrity

IMPORTANT QUESTIONS

- Are clear policies and procedures on ensuring program quality and fidelity formally set forth, either electronically or in a manual, for program personnel?
- How will training be developed and delivered to diversion program personnel?
- How will information be collected and in what format?
- How will program quality be assured?

How will the diversion program ensure quality and program fidelity?

To ensure a high-quality program, diversion program planners must attend to both development and maintenance. Program planners should provide for quality assurance by creating monitoring processes, collecting and reporting data, reviewing policies and procedures (updating as necessary), providing for retraining, and checking for program fidelity.

Options

Program Development

The goals, objectives, and desired outcomes of a diversion program make up the foundation upon which quality programming rests. Once that foundation is established, planners can turn to the following elements to further establish the program's integrity.

Design: Often, program planners begin by surveying diversion programs for evidence that the programs produce the outcomes sought for the youth to be served. The program could involve several evidence-based components (e.g., Life Skills Training, Mentoring, Cognitive Behavioral Therapy) offered by one provider, or it may involve referring youth to one of several different service providers, each of which offers just one evidence-based component. The key is to

identify those services that show promise of achieving the desired results and describing those efforts carefully in the program design.

Stakeholder Support: It is critical to gather the support of entities that will refer youth to the program (e.g., law enforcement, prosecutor, probation), as well as defense counsel, victims, and those who will participate in the program (e.g., youth, parents). Asking representatives of consumer and family groups to provide input on policy and procedure and to design marketing campaigns will help build this support. Sharing information with and soliciting input on the diversion program's design and operation from funding sources or potential funding sources can also build support.

Policies and Procedures: Clear, well-reasoned policies and procedures are one of the hallmarks of quality programming. They guide the operation of the program on a daily basis, directing the practices of each individual working with the diversion program. It is important to formally set out the policies and procedures in writing to facilitate consistent training and implementation efforts over time. Policies and procedures should reaffirm the program's obligations to meet the needs of the youth, to be just and unbiased, and to be developmentally appropriate.

Training Curriculum: All personnel operating the program, as well as the providers of diversion services within the community, will require training on the policies and procedures that govern the operation of the program. Training should also include the characteristics of, risks presented by, and service needs of youth served.

Data Collection: A sound data collection system is essential to measuring program performance. In devising a data collection system, program planners should start by considering what questions they want to answer regarding the performance of the diversion programs. This reveals what data elements to collect. The next decisions to make are:

- How will information be collected?
- In what format will information arrive?
- Who will be responsible for input of data?
- Will service providers submit standardized reports?

Quality Assurance

Periodically updating the policies/procedures manual and annually retraining staff contribute to assuring quality. In addition to these informal means, however, quality should be assured through internal and external monitoring processes and by conducting a process evaluation. (Here, monitoring relates to the program, not to the progress of the youth.)

Internal Monitoring Processes: Periodic reports based on ongoing data collection provide information about the conduct of work processes, client characteristics, program activities, and achievement of program goals. Other monitoring processes may include site visits to service providers, interviews or surveys with diversion program participants, and audits of providers'

program records. Although tracking outcomes may be a subject more appropriate for program evaluation, it can also play a part in monitoring for quality assurance.

External Monitoring Processes: Providing periodic reports to an advisory board or panel, funding sources, and local governing bodies (e.g., county boards, city councils, juvenile justice commissions, etc.) is a good example of external monitoring to achieve quality assurance. Planners may wish to require that such reports be generated periodically, inviting the external entities to critique the diversion program's performance. Other examples of external monitoring include:

- Inviting consumers to participate in a program review
- Using survey instruments or focus groups to gain insight about the program's daily operation

Process Evaluation: Monitoring program fidelity is another component of quality assurance. Program performance is measured in terms of adherence to goals and purposes, policies and procedures, and treatment regimens. For example, to determine whether the program is reaching the intended target population, data could be collected on the following:

- Number of youth referred
- Number of youth accepted
- Length of time in the program
- Characteristics of the youth participating in the program

As another example, specific data could be collected on adherence to the program's policies and procedures. Examples of data to collect in this case are:

- Number of youth who are screened and assessed using the prescribed instruments
- Number of youth who receive copies of their agreements
- Number of times that the referring entity (e.g., District Attorney, probation intake) receives prompt notice of youth participation and performance in the program
- Number of youth who appear for their weekly reporting sessions

Considerations

Inevitably, political issues will have to be addressed to secure a base of support for the highest quality of programming. The agencies operating the diversion program may need to educate public officials and funding sources regarding best practices and the tools employed to conduct quality assurance. In fact, the more public this knowledge, the more likely the community will support quality diversion programs.

Another area to consider is how to get the best performance out of service providers. Some jurisdictions have accomplished this by instituting performance-based contracting. For example, a service provider contracts for the number of youth who enter the program and avail themselves of services, as opposed to the number of youth who were referred.

KEY WEBSITES

The Center for Disease Control and Prevention's [Framework for Program Evaluation](#) outlines clear steps and definitions for looking at program effectiveness. Effective program evaluation is a systematic way to improve and account for actions. Evaluation involves procedures that are useful, feasible, ethical, and accurate.

EXAMPLES FROM THE FIELD

The [Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania](#) was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication diversion policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

CRITICAL RESOURCES

Colwell, B., Villarreal, S. F., & Espinosa, E. M. (2012). [Preliminary outcomes of a pre-adjudication diversion initiative for juvenile justice involved youth with mental health needs in Texas](#). *Criminal Justice and Behavior*, 39(1), 447-460.

Models for Change Juvenile Diversion Workgroup. (2011, March). [Juvenile diversion guidebook](#), (pp. 56-58). Chicago, IL: Models for Change.

Step Sixteen: Outcome Evaluation

IMPORTANT QUESTIONS

- What kind of record keeping and data collection will be used to periodically evaluate the diversion program and monitor achievement of goals and objectives?
- What youth and program outcomes will be used to measure success?

What kind of record keeping and data collection system is necessary to provide for periodic evaluation of the program's achievement of its goals and objectives?

Every diversion program must have a way to determine whether it is meeting its goals and objectives. Program evaluation allows for detection and implementation of necessary adjustments over time. Good program evaluations not only indicate whether objectives are being met, but also identify when, why,

and for whom they are not. Ultimately, of course, program evaluations that manifest positive outcomes can be used to argue for funding that sustains the program and its benefits for the community.

Program evaluation typically requires a systematic way of collecting data throughout some period of time of the diversion program's operation. Therefore, although presented as the last step, a plan for program evaluation must be in place before the program begins. The outcomes to be evaluated will depend on the original objectives of the diversion program.

Many different logic models exist, but they all contain the same core concepts, which include:

- A clear mission or purpose for the program that specifies the organization's primary focus or thrust
- Mission-driven goals that define what an organization is trying to accomplish relative to its mission
- Unambiguous objectives, which are specific, measurable strategies or implementation steps for attaining the identified goals (effective objectives include completion dates)
- Specific activities conducted in support of program objectives
- Program inputs (resources, contributions, and investments) that are required for the program to operate
- Program outputs (activities, services, events and products) that reach people who participate or who are targeted by the program
- Long- and short-term program outcomes, which are results or changes for individuals, groups, communities, organizations, communities, or systems

Options

Some diversion programs have more than one objective or a combination of different goals; thus, evaluation may entail more than one of the following:

Evaluating Reduction in Recidivism: According to the Council of Juvenile Correctional Administrators (CJCA), recidivism is the "commission of an offense that would be a crime for an adult, committed by an individual who has previously been adjudicated delinquent" (Harris et al., 2009) Evaluating this outcome requires collecting recidivism data on each youth during some period of time after he or she has completed the diversion program, and then comparing it to recidivism data of similar youth (e.g., types of offense) in the community in past years.

Evaluating Provision of Services: To evaluate whether youth received services they would not otherwise have obtained, keep a running account of the proportion of youth in the program who access services. It will also be necessary to identify the extent to which community service providers experienced an increase in youth served, compared to records for the year or two prior to the start of the diversion program.

Evaluating Reduction in System Costs: Evaluation of the financial impact of diversion programs can be complex due to the challenge of identifying all of the costs a program saves. There are a variety of ways of meet this challenge, as exemplified by the following:

- Diversion might decrease the number of youth who are placed in detention awaiting their adjudication, and most detention centers keep track of monthly admission statistics. Many detention centers know the average per diem financial cost of housing a youth. So, a reduction in the number of youth detained before and after the start of a diversion program can be translated into savings.
- Juvenile court personnel may be able to provide insight into how a reduction in cases that required processing contributed to the quality of attention the court provided to those youth who were processed.

Evaluating Increased Successful Outcomes for the Child: Successful outcomes for youth can include increasing their school engagement, helping them develop positive skills, and increasing pro-social activities.

Evaluating Increased Accountability: This objective focuses on assuring that youth understand the seriousness of their actions, as well as the effects that their behaviors have on the victim(s), themselves, and their community. Evaluating whether or not youth are being held accountable can be achieved simply by keeping records of the number of youth who were provided “accountability” requirements during their diversion programming. On the other hand, evaluating whether the requirement in fact increased youth’s sense of responsibility would require complex research methods that are beyond the reach of most diversion programs.

Evaluating Reduction in Labeling and Its Effects on Delinquency: This type of evaluation requires psychological testing or clinical interviewing of a sample of youth who have been served by the program, and comparing the results to similar testing results of youth who were not provided diversion services.

Evaluating Reduction in Unnecessary Social Control: This objective focuses on assuring that youth are subjected to no more State intervention than is necessary, and that caregivers (rather than the State) are responsible for their children whenever possible. Evaluation requires data on youth who were formally processed (before and after the start of the diversion program), with special attention to the proportion of those who received placements in secure facilities after adjudication.

Considerations

Planners need not examine their programs in relation to all of objectives presented above. A program should, instead, select its most important objective(s) and focus on obtaining corresponding data.

Many diversion programs seek the guidance of a specialist in program evaluation to help sort out the nature of data they need in order to evaluate their objectives. Specialists in program evaluation are often found in psychology or sociology departments of local academic settings.

Do not dismiss evaluations that rely on qualitative information – that is, information that cannot be reduced to numbers, but offers a perspective on a program’s success. For example, a diversion program can engage in follow-up interviews with caregivers and youth some months after the youth has completed the diversion program. Youth’s reflections on the meaning of the diversion program in their life, when multiplied by a sufficient number of cases, often provide valuable information about the degree to which the program has been meeting its objectives.

EXAMPLES FROM THE FIELD

The Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication diversion policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

Narrowing the School-to-Prison Pipeline: Two Innovative Approaches examines the outcome measures of two state advisory group-funded projects in New York State. The Moving Ahead Positively program uses a trauma-focused cognitive behavioral therapy framework to divert high-risk youth from school sanctions, such as out-of-school suspensions and later in-school arrests. The Utica WISE program focuses on (1) an arrest diversion program for youth who commit an arrestable offense on school grounds and (2) a conflict mediation program designed to resolve conflicts before they become violent.

CRITICAL RESOURCES

Colwell, B., Villarreal, S. F., & Espinosa, E. M. (2012). Preliminary outcomes of a pre-adjudication diversion initiative for juvenile justice involved youth with mental health needs in Texas. *Criminal Justice and Behavior*, 39(1), 447-460.

Fratello J., Kapus, T.D., & Chasan A. (2013). *Measuring success: A Guide to becoming an evidence-based practice.* New York, NY: Vera Institute of Justice.

Models for Change Juvenile Diversion Workgroup. (2011, March). *Juvenile diversion guidebook*, (pp. 58-62). Chicago, IL: Models for Change.

All Resources: Juvenile Diversion Strategies and Models

KEY WEBSITES

The National Council of Juvenile and Family Court Judges has compiled information on validated treatment interventions and screening tools in the [Adolescent-Based Treatment Database](#). The database details intervention basics, special considerations for juvenile drug courts, and engagement strategies. It serves as a “one-stop-shop” for juvenile drug courts researching adolescent-focused treatment and screening tools.

[Blueprints for Healthy Youth Development](#) is a research project within the Center for the Study and Prevention of Violence, at the University of Colorado Boulder. The Blueprints mission is to identify evidence-based prevention and intervention programs that are effective in reducing antisocial behavior and promoting a healthy course of youth development.

The Office of Juvenile Justice Delinquency and Prevention's [Case Flow Diagram](#) depicts the trajectory of youth throughout the juvenile justice system. This flow chart represents various ways youth can enter and exit the system. It also further stresses the importance of juvenile diversion efforts.

The [Council of State Governments Justice Center](#) has made targeted efforts towards justice reinvestment. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

[Findyouthinfo.gov](#) provides information, strategies, tools, and resources for youth, families, schools and community organizations related to a variety of cross-cutting topics that affect youth. These issues include prevention, resource mapping, mentoring, mental health, and substance use.

The Center for Disease Control and Prevention's [Framework for Program Evaluation](#) outlines clear steps and definitions for looking at program effectiveness. Effective program evaluation is a systematic way to improve and account for actions. Evaluation involves procedures that are useful, feasible, ethical, and accurate.

The [Global Appraisal of Individual Needs](#) is a progressive and integrated family of instruments with a series of measures and computer applications designed to support a number of treatment practices, including: initial screenings; brief interventions and referrals; standardized clinical assessments for diagnosis, placement, and treatment planning; monitoring change in clinical status, service utilization, and costs to society; and subgroup and program-level needs assessment, evaluation, and secondary analysis.

[Grants.gov](#) is the central resource for finding and applying for federal funding. The United States Department of Health and Human Services is the managing partner and posts grants across all disciplines, including juvenile justice and mental health reform.

The [Health Insurance Portability and Accountability Act Summary](#) examines key elements of the Privacy Rule, including who is covered, what information is protected, and how protected health information can be used and disclosed.

In partnership with the Center for Juvenile Justice Reform at Georgetown University, the Juvenile Law Center launched an [Information Sharing Certificate Program](#). The program, supported with funding from the MacArthur Foundation's Models for Change initiative, is designed to enable leaders in the juvenile justice, child welfare, education, behavioral health, and other child-serving fields to overcome information-sharing challenges that prevent the communication and coordination necessary for adequately serving youth known across multiple systems of care.

The [Juvenile Detention Alternatives Initiative \(JDAI\)](#) was designed to support the Casey Foundation’s vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. JDAI promotes changes to policies, practices, and programs to: reduce reliance on secure confinement; improve public safety; reduce racial disparities and bias; save taxpayers’ dollars; and stimulate overall juvenile justice reforms.

The [Juvenile Indigent Defense Action Network](#) of the National Juvenile Defender Center is a Models for Change-supported effort launched to engage leadership in targeted strategies to improve juvenile indigent defense policy and practice. The action network is an issue-focused forum for the development and exchange of ideas and strategies across states, and for sharing practical information and expertise in support of reform.

[Models for Change](#) has compiled an extensive list of materials dedicated to a number of different juvenile justice issues. The Diversion section contains copies of several guidebooks with step-by-step instruction, as well as publications evaluating statewide initiatives from across the country.

The [National Registry of Evidence-based Programs and Practices \(NREPP\)](#) of the Substance Abuse and Mental Health Services Administration is a searchable online registry of more than 310 substance abuse and mental health interventions. It was developed to help the public learn more about evidence-based interventions that are available for implementation. The NREPP’s search feature allows users to filter interventions by specific age group, outcome, and areas of interest.

The [National Youth Screening and Assessment Project \(NYSAP\)](#) provides training, technical assistance, and other resources for identifying youth with behavioral health needs. NYSAP is the creator of the MAYSI-2, a screening and assessment tool widely used for diversion. It also has a number of publications dedicated to behavioral health issues for juveniles.

The [Office of Juvenile Justice and Delinquency Prevention’s Model Programs Guide](#) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety.

In addition to providing summaries of effective programs, the [Promising Practices Network](#) features issue briefs on current research in various topics, as well as expert perspectives. To promote successful implementation of best practices and model programs, the Promising Practices Network also screens and posts evidence-based information on effective service delivery.

The [Reclaiming Futures](#) model unites juvenile courts, probation, adolescent substance abuse treatment, and the community to reclaim youth. Together, they work to improve drug and alcohol treatment and connect teens to positive activities and caring adults.

[SAMHSA's Grant Information](#) strives to meet the mission of the Substance Abuse and Mental Health Services Administration in utilizing financial assistance by collaborating with clients, encouraging individual and organizational excellence. This includes issuing awards, monitoring financial assistance, and ensuring that SAMHSA grant recipients are in compliance with federal policies.

EXAMPLES FROM THE FIELD

The Texas Front End Diversion Initiative (FEDI) is a pre-adjudicatory diversion program that aims to divert youth with identified mental health needs from adjudication by pairing them with a specialized juvenile probation officer (SJPO) who provides intensive case management services and helps link the youth and his or her family to appropriate community-based services. SJPOs receive extensive training on adolescent mental health and development, crisis intervention and management, family engagement, and motivational interviewing. The program is described by one of its developers, Dr. Erin Espinosa, in this [video](#). The [Front End Diversion Initiative Program Policy and Procedure Manual](#) describes the procedural steps to implement and sustain the FEDI model. An [evaluation](#) of the FEDI model found it to be effective at reducing adjudication and increasing access to services.

The [Chester County Pennsylvania Intake Diversion Program Final Report](#) summarizes the intake diversion program implemented by Chester County, Pennsylvania. Through collaboration with experts in the field of juvenile justice and insight from probation practitioners and community stakeholders, a data-driven protocol was developed and implemented to divert eligible youth from formal processing to appropriate treatment services. This report describes the development of the Intake Diversion Program, as well as its process and intermediate results.

[CIT for Youth](#) aims to improve interactions between youth and law enforcement officers by training law enforcement officers and encouraging a community partnership that effectively connects youth with mental health needs to effective services and supports in the community. National Alliance on Mental Illness' CIT for Youth manual provides step-by-step guidance for implementing this program.

The [Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania](#) was developed by the Diversion Subcommittee of the state Mental Health/Juvenile Justice work group to assist counties in crafting county-specific pre-adjudication division policies and procedures to guide local practice. The guide includes a set of fundamental principles or values that should underpin any pre-adjudication diversion policy and protocol developed in Pennsylvania, whether at the state or county level.

[Innovative Practices in the Juvenile Justice System: The Campbell County Status Offense Project](#) describes and assesses the effectiveness of a truancy abatement program within Campbell County. This PowerPoint presentation includes an analysis of effectiveness and general program guidelines.

Within the [Jefferson County website](#) is an entire section dedicated to juvenile diversion efforts within this particular locality in Colorado. Clearly listed are the description and rationale for each of the eligibility criteria for youth who are eligible for diversion services. The website also offers additional resources regarding diversion, including its juvenile assessment center.

[Juvenile PreTrial Diversion](#) is a fact sheet that explains the basics of diversion efforts, as well as eligibility criteria and services that are offered for youth being diverted, in Saunders County, Nebraska.

[King County Frequently Asked Questions about Diversion](#) outlines basic principles and processes of juvenile diversion. This comprehensive guide contains many of the primary tenets of diversion specifically catered to Kings County.

The [King County Resource Guide to Information Sharing](#) provides better understanding of what information may be shared by participants in juvenile dependency, juvenile justice, education, mental health, and substance abuse treatment systems. This booklet summarizes what information can be shared, how much can be shared, and to whom it can be shared.

[Law Enforcement-Based Diversion: Strategic Innovations from the Mental Health/Juvenile Justice Action Network](#) provides a detailed update and summary on the work of the Mental Health/Juvenile Justice Action Network's Law Enforcement-Based Diversion Strategic Innovation Group.

The [Miami-Dade County Juvenile Assessment Center](#) has a number of juvenile diversion programs in place. The website features a wide variety of resources, including information regarding assessment, diversion, and specific juvenile justice data.

[Narrowing the School-to-Prison Pipeline: Two Innovative Approaches](#) examines the outcome measures of two state advisory group-funded projects in New York State. The Moving Ahead Positively program uses a trauma-focused cognitive behavioral therapy framework to divert high-risk youth from school sanctions, such as out-of-school suspensions and later in-school arrests. The Utica WISE program focuses on (1) an arrest diversion program for youth who commit an arrestable offense on school grounds and (2) a conflict mediation program designed to resolve conflicts before they become violent.

[Nebraska Legislative Bill 463](#), signed into law in May 2011, was created to assist the juvenile justice system provide pre-filing and diversion programming to reduce excessive absenteeism from school and unnecessary involvement with the juvenile justice system.

Connecticut's [School-Based Diversion Intake Toolkit: A Community Resource for Reducing School-Based Arrests](#) was created to help school administrators decrease school arrests by connecting at-risk students to community-based mental health services using the state's local Emergency Mobile Psychiatric Services teams. The principles outlined in the toolkit can be applied by schools at little to no cost.

[Resolution No. 13,343 of Arkansas legislation](#) represents a unique strategy to securing and sustaining funding for community-based programming for justice-involved youth. A re-entry center, youth employment program, job skills center, and a prevention center were funded through a one-cent tax increase.

The [Responder Program Development Manual](#) describes Ohio's school responder model, which promotes early intervention and early recognition of youth with possible behavioral health issues that may lead to juvenile justice involvement. The Responder Program aims to increase attendance and school involvement, as well as empower schools and their administrators to incorporate programs and practices to reduce juvenile justice system involvement.

[Schools Turn to Treatment, Not Punishment, for Children with Mental Health Needs](#) is a Models for Change Innovation Brief developed by the Mental Health/Juvenile Justice Network to share the innovations, results, and lessons of Ohio and Connecticut in developing and sustaining school-based diversion models.

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