

PRETRIAL DIVERSION

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IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

PRETRIAL DIVERSION ORDER

This matter came on to be heard on the _____ day of _____, 20____, before the Honorable _____ upon petition filed alleging the above offense(s).

Present for this hearing were: _____

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

- The child was advised of the charge(s) against him/her and of his/her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
 - The child executed a Waiver of Right to Counsel with written waiver duly filed.
- This matter is appropriate for pretrial diversion and in accordance with Rule 202 of the Tennessee Rules of Juvenile Practice and Procedure, these proceedings are hereby suspended.
- The parties consent to pretrial diversion and have submitted a written Pretrial Diversion Agreement to this Court for approval.
- The parent, guardian or legal custodian, _____, shall pay the following the following costs/fees _____
All costs and fees are to be paid to the _____ County Juvenile Clerk. Payments may be made by cash, cashier's check/money order, or debit/credit card.
- This matter shall be scheduled for a _____ hearing on _____ at _____
 - The child and parent, guardian, or legal custodian(s) shall appear.
 - The child and parent, guardian, or legal custodian(s) need not appear if the child has complied with the aforesaid order.

ENTERED this _____ day of _____, 20____

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

PRETRIAL DIVERSION AGREEMENT

In accordance with Rule 202 of the Tennessee Rules of Juvenile Practice and Procedure, a pretrial diversion is requested in this case.

1. The child and the parent, guardian or legal custodian agree to the pretrial diversion - this is voluntary.
2. The child and the parent, guardian or legal custodian have been advised of the child's right to legal counsel, and if they cannot afford one, one will be appointed.
3. The child has a right to remain silent, and any statements made by the child will not be admissible in any proceeding prior to a dispositional hearing.
4. The juvenile court officer may terminate the pretrial diversion and request dismissal of the charges at any time.
5. If the child successfully completes the pretrial diversion, the petition/citation shall be dismissed with prejudice.
6. The period of pretrial diversion will not extend beyond six (6) months unless notice and a hearing are provided and the Court approves the extension. Any party may request an extension of the pretrial diversion. The total period of pretrial diversion may not exceed twelve (12) months.
7. The child and the parent, guardian or legal custodian understand that the child has a right to a trial and that the pretrial diversion is voluntary.
8. The designated juvenile court officer may proceed on the previously filed petition if the child has not followed the conditions of the pretrial diversion agreement.

REQUIREMENTS OF PRETRIAL DIVERSION:

1. Obey your parent, guardian, or legal custodian(s).
 2. You are required to attend school daily, complete school assignments and behave in such a way as not to be disciplined.
 3. You shall not use, possess, or be in the presence of anyone illegally using alcohol or drugs, and you shall submit to drug screens.
 4. Do not engage in any unlawful activity. Obey all laws.
 5. You shall not be in the possession of any firearms, weapons or tobacco products.
- The child shall be placed under the supervision of the Court on (intensive/supervised/unsupervised) county probation for _____ months. Said child and parent, guardian, or legal custodian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all the rules of county juvenile probation.
- The child shall _____ *(full list of special probation conditions)*
-
-

The parent, guardian or legal custodian, _____, shall pay the following the following costs/fees _____

All costs and fees are to be paid to the _____ County Juvenile Clerk. Payments may be made by cash, cashier's check/money order, or debit/credit card.

Child's Signature

Date

I have read and understand the above requirements and have been provided a copy of this document. I agree to report any violations to the juvenile court officer.

Parent, Guardian, Legal Custodian's Signature

Date

Youth Serviced Officer/Probation Officer

Date

COURT APPROVAL

All of which is hereby **ORDERED, ADJUDGED AND DECREED.**

ENTERED this _____ day of _____, 20__

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

MOTION AND APPROVAL TO EXTEND PRETRIAL DIVERSION

Comes now _____ and moves this Honorable Court extend the pretrial diversion process of the above-named child for an additional _____ months to give the child time to complete the provisions of the pretrial diversion as follows:

(Reason for extension)

Youth Serviced Officer/Probation Officer

Date

The undersigned hereby stipulate to the reasons set forth above for extending the pretrial diversion an additional _____ months and agree that this is in the best interests of the child. We understand that we do not have to agree with the extension and have a right to a hearing to oppose the extension, which we hereby waive.

Child Date

Parent/Guardian/Custodian Date

APPROVAL OF MOTION TO EXTEND PRETRIAL DIVERSION

The Court having reviewed the Motion to Extend Pretrial Diversion now ORDERS that the Motion to Extend Pretrial Diversion be granted. The pretrial diversion is extended for an additional _____ months.

ENTERED this _____ day of _____, 20__

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the motion and order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

MOTION TO EXTEND PRETRIAL DIVERSION

Comes now _____, Probation Officer, and moves this Honorable Court to extend probation of the above-named child for an additional _____ months to allow the child time to complete the conditions of probation as follows:

(Reason for extension)

Date

Youth Services Officer/Probation Officer

NOTICE

This motion is scheduled to be heard on _____ at _____

CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the motion has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20____:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

ORDER ON MOTION TO EXTEND PRETRIAL DIVERSION

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____ upon Motion to Extend Pretrial Diversion.

Present for this hearing were: _____

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

- The child was advised of the charge(s) against him/her and of his/her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
 - The child executed a Waiver of Right to Counsel with written waiver duly filed.
- The child was initially placed on Pretrial Diversion on _____.
- The Motion to Extend Pretrial Diversion is granted. Pretrial Diversion shall be extended for an additional _____ months.
- The Motion to Extend Pretrial Diversion is denied.
- The child shall be discharged from Pretrial Diversion.
- The petition/citation filed in this case is dismissed with prejudice.
- This matter shall be scheduled for a _____ hearing on _____ at _____
 - The child and parent, guardian, or legal custodian(s) shall appear.
 - The child and parent, guardian, or legal custodian(s) need not appear if the child has complied with the aforesaid order.

ENTERED this _____ day of _____, 20____

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

MOTION AND ORDER TO DISMISS PRETRIAL DIVERSION

Comes now _____ and moves this Honorable Court to dismiss the petition/citation in this case. The child has successfully completed the provisions of the pretrial diversion.

- All costs and fees have been paid.
- There are costs or fees, specifically _____

Youth Serviced Officer/Probation Officer

Date

ORDER ON MOTION TO DISMISS

The Court having reviewed the Motion to Dismiss and the entire record now ORDERS that:

- the Motion to Dismiss be granted. The petition/citation filed in this case is dismissed with prejudice.
- the Motion to Dismiss is denied and _____
- The parent/guardian/legal custodian, _____, is ordered to pay the remaining costs/fees by _____. If not paid, _____ is ordered to appear in court on _____ at _____ to explain his/her failure to pay. If fees have been paid, you need not appear at the hearing. If fees have not been paid and you fail to appear, a warrant may be issued for your arrest.

ENTERED this _____ day of _____, 20__.

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

VIOLATION OF PRETRIAL DIVERSION PETITION

It being in the best interest of the child and the public that these proceedings be brought, your petitioner,
_____ respectfully represents to the Court on information and belief that the
child is now within this county and is _____ years of age.

On _____, the Court approved a pretrial diversion in this case for the offense(s) of: _____

Said child has violated the terms of the agreement as follows: _____

The actions on the part of this child did occur in _____ County, TN and
constitutes the offense of Violation of Pretrial Diversion.

Your petitioner further avers that:

The child's father is _____ who resides at _____

The child's mother is _____ who resides at _____

That the child is in the custody and control of _____ who
resides at _____ Phone: _____

Sworn and subscribed before me this the

_____ day of _____, 20 _____

Petitioner

Clerk

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

ORIGINAL CHARGE(S): _____

VIOLATION OF PRETRIAL DIVERSION ORDER

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____ upon the petition for Violation of Pretrial Diversion.

Present for this hearing were: _____

Upon proof introduced and the entire record, the Court finds that:

- The child was advised of the charge(s) against him/her and of his/her right to a hearing and an attorney. The child was also advised of his/her right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to him/her.
 - The child executed a Waiver of Right to Counsel with written waiver duly filed.
- The child entered a plea of guilty/best interest/no contest to the Violation of Pretrial Diversion after having waived his/her rights to a trial of this matter in writing in a separate document.
- The child entered a plea of not guilty to the Violation of Pretrial Diversion.
- The child was initially placed on Pretrial Diversion on _____.
- The Court finds by clear and convincing evidence that the child has violated the conditions of the pretrial diversion.
- The Court finds the child has not violated the conditions of the pretrial diversion.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

- The child shall complete the terms of the original pretrial diversion.
- The child's pretrial diversion shall be extended for an additional _____ months.
- The child shall be discharged from pretrial diversion.
- The petition/citation filed in this case is dismissed with prejudice.

ENTERED this _____ day of _____, 20____.

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

ORIGINAL CHARGE(S): _____

VIOLATION OF PRETRIAL DIVERSION — ADJUDICATORY/DISPOSITIONAL ORDER

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____ upon the petition for Violation of Pretrial Diversion.

Present for this hearing were: _____

Upon proof introduced and the entire record, the Court finds that:

- The child was advised of the charge(s) against him/her and of his/her right to a hearing and an attorney. The child was also advised of his/her right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to him/her.
- The child executed a Waiver of Right to Counsel with written waiver duly filed.
- The child entered a plea of guilty/best interest/no contest to the Violation of Pretrial Diversion after having waived his/her rights to a trial of this matter in writing in a separate document.
- The child entered a plea of not guilty to the Violation of Pretrial Diversion.
- The child was initially placed on Pretrial Diversion on _____.
- The Court finds by clear and convincing evidence that the child has violated the conditions of the pretrial diversion.
- The Court now reinstates the original petition and proceeds to an adjudication hearing.
 - The child entered a plea of guilty/best interest/no contest to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: _____
 - The child entered a plea of not guilty to the following offense(s): _____

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

- The child is found guilty by the Court of the following offense(s): _____
- The child is placed on **JUDICIAL DIVERSION** pursuant to T.C.A. §37-1-129 for _____ (length)
- The child is a **DELINQUENT** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
- The child is an **UNRULY** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.

This order shall constitute a Valid Court Order, the violation of which may result in said child's placement in state's custody or in a juvenile detention facility in accordance with the Tennessee Rules of Juvenile Practice and

Procedure (Appendix). During any hearing regarding such violation of this order, said child has all due process rights indicated in such rules, including the right to legal counsel and the right to have such counsel appointed by the Court if indigent. Further, violation of this order by any of the parties charged hereby may be considered contempt of court and punished as indicated in T.C.A. § 37-1-158.

- The Court orders the child to undergo a risk & needs assessment to be completed by _____
- The Court finds that the risk & needs assessment has been completed and the results have been submitted to the Court.
- The child is placed under the supervision of the State of Tennessee, Department of Children's Services, on DCS juvenile probation for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with all lawful and reasonable requests of the probation officer and all rules of probation.
- The child shall be placed under the supervision of the Court on intensive/supervised/unsupervised county juvenile probation for _____ months. Said child and parent(s)/guardian(s) shall comply respectfully with all lawful and reasonable requests of the probation officer and all rules of probation.
- The Court orders the _____ to develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian, school, and other appropriate parties. The child and the child's parents, guardian, or legal custodian are ordered to comply with the case plan.
- The child shall _____ *(full list of special probation conditions)* _____

- The parent, guardian or legal custodian, _____, shall pay the following the following costs/fees _____
- The child and/or the parent, guardian or legal custodian, _____, shall pay restitution owed to the victim, _____, in the amount of \$_____.

All costs and fees are to be paid to the Juvenile Court Clerk. Payments may be made by cash, cashier's check/money order, or debit/credit card.

- This matter shall be scheduled for a _____ hearing on _____ at _____
 - The child and parent, guardian, or legal custodian(s) shall appear.
 - The child and parent, guardian, or legal custodian(s) need not appear if the child has complied with the aforesaid order.

ENTERED this _____ day of _____, 20__

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:
