

JUDICIAL 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): _____

JUDICIAL DIVERSION ORDER

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

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 offense of _____ is amended to _____
- 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 Court accepts the child's plea pursuant to a judicial diversion for the offense(s) of _____
- The child entered a plea of not guilty and after an adjudicatory hearing the court finds the child guilty of the following offense(s) _____ and places the child on judicial diversion.

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

- 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 probation for a period of _____ 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 probation.
- 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 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 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__:

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 JUDICIAL DIVERSION

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

(Reason for extension)

Date

Youth Services Officer/Probation Officer

The undersigned hereby stipulate to the reasons set forth above for extending the judicial 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	Date

APPROVAL OF MOTION TO EXTEND JUDICIAL DIVERSION

The Court having reviewed the Motion to Extend Judicial Diversion now finds and orders as follows:

The child was initially placed on judicial diversion on _____.

The child's judicial diversion shall be extended for an additional _____ months.

The following condition(s) of probation shall remain in effect: _____

It is in the best interest of the child that those conditions remain in effect because _____

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 JUDICIAL DIVERSION

Comes now _____ 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 JUDICIAL DIVERSION

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____, upon Motion to Extend Judicial 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 judicial diversion on _____.
 - The Motion to Extend Judicial Diversion is granted. Judicial diversion shall be extended for an additional _____ months.
 - The following condition(s) of probation shall remain in effect: _____
-

It is in the best interest of the child that those conditions remain in effect because _____

- The Court finds that it is not in the best interest of the child that judicial diversion be extended.
- The Motion to Extend Judicial Diversion is denied.
- The child shall be discharged from judicial 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

MOTION AND ORDER TO DISMISS JUDICIAL 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 judicial diversion.

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

Date

Youth Services Officer/Probation Officer

ORDER ON MOTION TO DISMISS JUDICIAL DIVERSION

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 all costs/fees have been paid, you need not appear at the hearing. If they 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 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 AND ORDER TO DISMISS JUDICIAL DIVERSION & DISCHARGE FROM PROBATION

Comes now _____ and moves this Honorable Court to dismiss the petition in this case and to discharge the child from probation because he/she has successfully completed the provisions of the judicial diversion and probation.

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

ORDER GRANTING MOTION TO DISMISS & DISCHARGE FROM PROBATION

The Court having reviewed the Motion to Dismiss & Discharge from Probation and the entire record now ORDERS that the Motion be granted.

- The child shall be discharged from probation.
- 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 all costs/fees have been paid, you need not appear at the hearing. If they 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 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

VIOLATION OF JUDICIAL 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 judicial 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 constitute the offense of Violation of Judicial 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 JUDICIAL DIVERSION ORDER

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____, upon a violation of judicial diversion petition filed by _____

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 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 Judicial 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 Judicial Diversion
- The child was initially placed on judicial diversion on _____.
- The Court finds by a preponderance of the evidence that the child violated the following conditions of the judicial diversion: _____
- The Court finds the child has not violated the conditions of the judicial diversion.

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

- The child shall complete the terms of the original judicial diversion with no modification.
- The child's judicial diversion shall be extended for an additional _____ months.

The following condition(s) of judicial diversion shall remain in effect _____

It is in the best interest of the child that those conditions remain in effect because _____

- The child shall be discharged from judicial 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

ORIGINAL CHARGE(S): _____

VIOLATION OF JUDICIAL DIVERSION — ADJUDICATORY/DISPOSITIONAL ORDER

This matter came on to be heard on _____ day of _____, 20____, before the Honorable _____ upon the petition for Violation of Judicial 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 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 Judicial 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 Judicial Diversion.
- The child was initially placed on judicial diversion on _____.
- The Court finds by a preponderance of the evidence that the child has violated the conditions of the judicial diversion and enters the adjudication of guilty on the original charge(s) of: _____

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

- 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 _____ 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__:

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 JUDICIAL DIVERSION — ADJUDICATORY/DISPOSITIONAL ORDER AND
COMMITMENT TO DCS**

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

The child was initially placed on judicial diversion on _____.

The Court finds by a preponderance of the evidence that the child has violated the conditions of the judicial diversion and enters the adjudication of guilty on the initial charge(s) of: _____

Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: _____

There is no less restrictive alternative to removal of the child from the home that will reduce the risk of flight or of serious physical harm to the child or to others.

Reasonable efforts were made to prevent the child's removal from the home, which include: _____

It was reasonable to make no efforts to maintain the child in the home based on an assessment of the family and the child's circumstances that include: _____

- Reasonable efforts to prevent removal were not required because:
 - this Court or another Court of competent jurisdiction has previously determined that the parent has subjected the child(ren), or any sibling or half-sibling or any other child residing temporarily or permanently in the home, to aggravated circumstances as defined in T.C.A. § 36-1-102.
 - the parent has been convicted in a criminal court of one of the felony crimes against a child specified in T.C.A. § 37-1-166.
 - the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.
- The Department of Children's Services failed to provide reasonable efforts to prevent the child's removal from the home.
- There is proof beyond a reasonable doubt that the child is a **delinquent** child, and the Court has determined that the child is in need of treatment and rehabilitation and meets the criteria for commitment to DCS because:
 - The current offense(s) for which the child has been adjudicated delinquent and is subject to disposition would constitute a *felony* if committed by an adult.
 - The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a *misdemeanor* if committed by an adult; AND the child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor.
 - The Court finds by clear and convincing evidence that the child is in *imminent risk of danger* to the child's health or safety and *needs specific treatment or services that are available only if the child is placed in the custody* of the Department of Children's Services in that _____
- There is clear and convincing evidence that the child is an **unruly** child, and the Court has determined that the child is in need of treatment and rehabilitation and meets the criteria for commitment to DCS because:
 - The child has *previously been adjudicated* for two (2) or more offenses arising from separate incidents that would constitute an unruly offense, or a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor.
 - The Court finds by clear and convincing evidence that the child is in *imminent risk of danger* to the child's health or safety and *needs specific treatment or services that are available only if the child is placed in the custody* of the Department of Children's Services in that _____
 - This matter was referred to the juvenile-family crisis intervention program and it has been certified in writing/through sworn testimony that no other less drastic measure other than court intervention exists, pursuant to T.C.A. § 37-1-168.

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

The child is a **DELINQUENT** **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. That the child, _____ is removed from the custody of _____ and committed

to the State of Tennessee, Department of Children's Services. Temporary custody of the child is hereby awarded to the State of Tennessee, Department of Children's Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.

The Court further orders that all state, county, or local agencies with information or records relevant to the child's situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services.

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 _____

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__:
