



Juvenile Justice Policy and Data Board

MASSACHUSETTS YOUTH DIVERSION PROGRAM

Model Program Guide

A Report of the Massachusetts Juvenile Justice
Policy (JJPAD) Board Community-Based
Interventions Subcommittee
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Guide to Acronyms

Acronym	Definition
CBI	Community-based intervention
CPCS	Committee for Public Counsel Services (Public Defenders)
DCF	Department of Children and Families
DESE	Department of Elementary and Secondary Education
DMH	Department of Mental Health
DPH	Department of Public Health
DYS	Department of Youth Services
EOE	Executive Office of Education
EOHHS	Executive Office of Health & Human Services
EOPSS	Executive Office of Public Safety & Security
JJPAD	Juvenile Justice Policy and Data Board
JDAI	Juvenile Detention Alternatives Initiative

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About this Guide

This document contains recommendations on program design and delivery for the Massachusetts Youth Diversion Program (MYDP) Learning Lab.

It is the product of over a year of meetings of the Juvenile Justice Policy and Data Board (JJPAD) Community-Based Interventions (CBI) Subcommittee and is heavily informed by lessons learned from existing diversion programs in Massachusetts as well as models from other states and research on effective practices for working with youth.

In the Fall of 2020, the state Office of the Child Advocate (OCA) and the Department of Youth Services (DYS) announced that DHS would administer the MYDP Learning Lab, beginning in 2021, with funding secured by the OCA in the FY21 state budget.

This guide does not address every detail of program design and implementation, and there are many decisions that DHS will need to make to move this program forward. In particular, additional work is necessary to set up processes and connections to community-based services in the communities where this program is piloted.

Further, lessons will certainly be learned in the implementation process, resulting in necessary changes in program design and delivery. Still, **it is hoped that this document can provide useful guidance on the overall program values, approach, structures, and safeguards that the CBI Subcommittee believes will produce the best diversion program for the youth of Massachusetts.**

The recommendations in this Guide ultimately represent a consensus viewpoint.

There are many competing values at play in the development of a diversion program, and at times various Subcommittee members weigh different values more heavily than others. Accordingly, not every member of the Subcommittee agrees completely with every detail of this guide – but in all cases, the recommendations represent a majority viewpoint with as many attempts as possible to incorporate the perspectives and address the concerns of any Subcommittee member(s) holding a different view.

Although the guide is developed for the MYDP, the concepts and guidelines contained within this document can be applied to other formal diversion programs as well. All materials contained within are public domain and available for other interested parties to use and adapt.

How to Use this Guide

Chapter 1 provides additional context for this guide, including the process that led to the creation of this document, and explanations of key research concepts that underpin the rest of the guide.

Chapter 2 provides recommendations for program design and delivery, including sections on Making Referrals, Developing a Diversion Agreement, Diversion Case

Management, and Diversion Wrap-Up. **The Massachusetts Youth Diversion flow chart on page 7 provides an overview of the program model.**

Chapters 3 through 5 provide guidance on other topics related to the successful operation of the diversion program, such as information sharing and data collection.

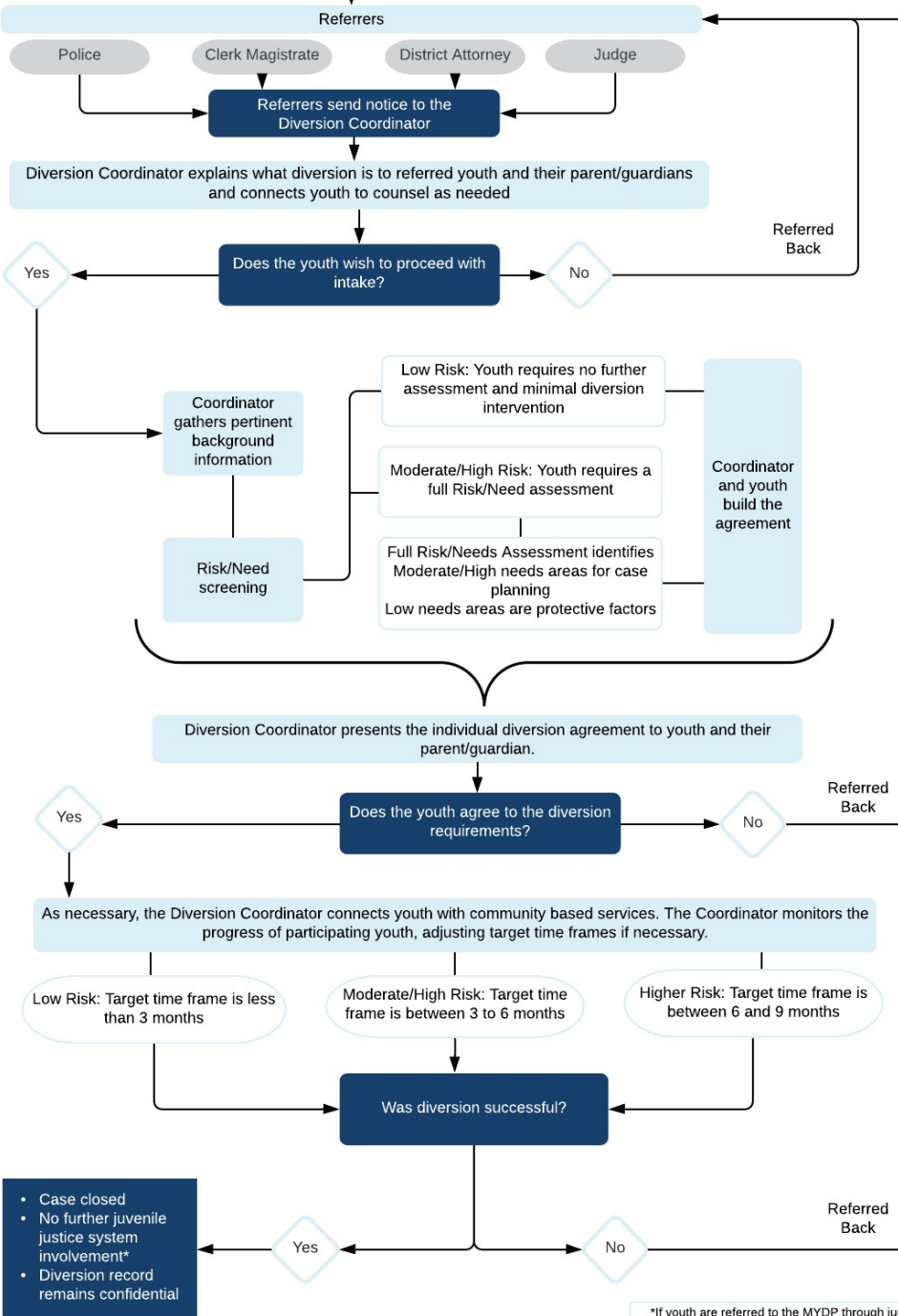
Key concepts are explained in the blue boxes throughout the document, and **additional information for special considerations** can be found in green boxes.

Finally, the **Appendices** provides a variety of sample documents and templates to support implementation of practices recommended in this guide.

Massachusetts Youth Diversion Program

Section 2.1 Making a Referral

Delinquency Offense
Any youth can be referred to the diversion program, within any applicable legal limits. Referrers are strongly urged to refer youth with lower-level offenses, first offenses, and/or youth with higher, complex needs whose behavior may be due to unmet needs.



Section 2.2 Creating a Diversion Agreement

Section 2.3 Case Management

Section 2.4 Diversion Wrap-Up

*If youth are referred to the MYDP through judicial diversion governed by M.G.L.c. 119 § 54A, there may be small variations in process to meet statutory requirements. See the full guide for details.

Chapter 1 Introduction and Purpose

The Community Based Interventions (CBI) Subcommittee of the Juvenile Justice Policy and Data (JJPAD) Board created this Model Program Guide to provide recommendations on the design of the Massachusetts Youth Diversion Program (MYDP) Learning Lab. Collaboration on this project started as a result of the [2018 Criminal Justice Reform Legislation](#), which formed the JJPAD Board and subsequent subcommittees.

In its first year, the CBI Subcommittee studied diversion and community-based interventions across the state and nation, and compiled its findings and recommendations to the Legislature in its report: [Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth](#). This report highlighted several key findings, including:

- Diverting youth from formal processing by the juvenile justice system can be an effective intervention strategy.
- Juvenile justice decision-makers across the Commonwealth are increasingly aware of the importance of diversion, and more and more decision-makers are establishing diversion practices.
- There is wide variation in diversion policies and practices across the state, and an opportunity to improve outcomes by adopting evidence-based practices.
- We do not currently collect the data that would be needed to fully understand or assess our current diversion system(s).
- The current structure of our diversion system likely contributes to systemic inequities.
- Although Massachusetts devotes significant funding to behavioral health and youth services, juvenile justice system practitioners see distinct gaps in the availability of community-based interventions for justice-involved youth.
- More infrastructure support is needed to effectively connect youth with services that do exist and overcome barriers.

The 2019 legislative report recommended the state launch a *statewide diversion learning lab* across three pilot sites, with the goals of:

- Improving communication and coordination of diversion across the state;
- Improving the quality and consistency of diversion work by developing common infrastructure, policies and procedures; and
- Testing and refining the statewide diversion model.

In its second year, the Subcommittee developed this Model Program Guide to support the launch of the statewide diversion learning lab. The Guide comes following extensive research on other diversion models here in the Commonwealth and across the country, and over a year of discussion.

In addition to the diverse range of experiences and careful thought provided by members of the CBI Subcommittee, OCA staff members also presented initial plans to county-level Juvenile Detention Alternatives Initiative (JDAI) meetings over the summer of 2020 to get practitioner feedback. Through this process, this guide considers the perspectives of a range of stakeholders.

1.1 What is Diversion and How is It Different than the Traditional Justice System?

Diversion is a process that “allows youth who commit offenses to be directed away from more formal juvenile justice system involvement.”¹

In general, diversion programs can be divided into two categories:

- **Informal diversion** can include any measure that turns youth away from the system, such as a police officer letting a youth go with a warning or a judge deciding to dismiss a case prior to arraignment. It may also include an agreement with a youth that they will take a specific action to atone for their behavior, such as writing an apology letter or performing community service.
- **Formal diversion** typically takes the form of a specific, structured program with eligibility and completion requirements.

In Massachusetts, four separate decision-makers – police, court clerk magistrates, district attorneys, and judges – may apply formal and informal diversion practices at various points, from initial contact with police to arraignment, with almost no statutory guidance with regards to eligibility, diversion conditions, oversight, compliance, stakeholder engagement, record-keeping or privacy concerns.²

Both the traditional juvenile justice system and diversion aim to increase public safety and provide youth who have committed delinquent offenses the opportunity for rehabilitation. But the diversion program aims to keep youth out of the traditional system while addressing unmet needs driving the youth’s behavior for two reasons:

1. Less likely to recidivate: Rigorous research has found that youth who have participated in diversion programs are less likely to reoffend than youth who are formally processed through the juvenile court. One meta-analysis of 45 studies showed that diversion was more effective in reducing recidivism than traditional court processing.³

¹ Diversion programs. (2017). *Model Programs Guide: Literature review*. Washington, D.C. Office of Juvenile Justice and Delinquency Prevention. Retrieved from https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf

² The April 2018 Criminal Justice Reform Bill formally gave judges the authority to divert youth pre-arraignment, delineated a list of charges that a judge could divert, and provided some guidance on procedure. There is no statutory guidance for law enforcement, court clerks or district attorneys regarding diversion.

³ Wilson, H., & Hoge, R. (2012). The effect of youth diversion programs on recidivism: A meta-analytic review *Criminal Justice and Behavior*, (40) p. 497–518. International Association for Correctional and Forensic Psychology. Retrieved from http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf

2. Prevent future collateral consequences: Research also shows that contact with the juvenile justice system can increase a youth's likelihood for other negative outcomes, such as academic failure.⁴ Diverting youth from the system decreases the likelihood that youth will experience these negative outcomes.

Last, diversion programs give youth an opportunity to keep a "clean" juvenile record. A juvenile record (regardless of whether that youth was found delinquent or not) can lead to challenges accessing housing, employment, and education during youth and into adulthood.⁵

A Note on Equity

While racial and ethnic disparities can, and do, occur at many decision points in the juvenile justice system, the point of diversion is an especially useful place to address the inequities that we see in our systems. Developmental research establishes that many youth who make poor decisions naturally grow out of those patterns as they age. Given this reality and the potential negative effects of formal system involvement, diversion from the juvenile justice system altogether can be an effective solution both to reduce juvenile system involvement overall and to promote racial and ethnic equity.

We must also acknowledge that the full potential of diversion policies and programs are undermined when youth of different racial and ethnic backgrounds do not have the same opportunities to be diverted or are not offered programs with their individual needs in mind. Racial and ethnic disparities at the beginning of the justice process can exacerbate inequity farther down the road, further concentrating the collateral consequences of our most intensive and restrictive interventions on children of color.

⁴ Youth Involved with the Juvenile Justice System (n.d.). Youth.gov. Retrieved from <https://youth.gov/youth-topics/juvenile-justice/youth-involved-juvenile-justice-system>

⁵ <https://juvenilerecords.jlc.org/juvenilerecords/#!/map>

1.2 What are the Goals of the Massachusetts Youth Diversion Program?

Most youth “offending” does not result in contact with law enforcement at all, and most youth will outgrow risky/unlawful behavior without any state intervention. Most of the youth who are arrested once will not be arrested a second time; the percentage of youth who are arrested multiple times is very small.⁶ Diversion can help make this percentage even smaller. The MYDP aims to keep youth out of the formal juvenile justice system while providing consistency in access to diversion opportunities across the state. The CBI Subcommittee proposes four primary goals for the program:

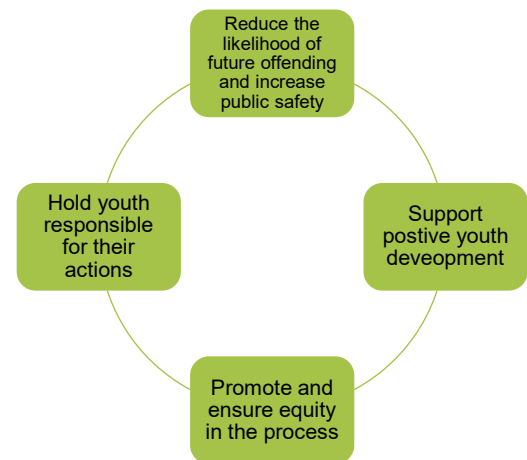


Figure 1: Goals of Massachusetts Youth Diversion Program

1. **Reduce the likelihood of future offending by youth in the program and increase public safety.** Using evidence-based and promising practices – such as high-quality case planning and management – that are shown by research to reduce recidivism, the MYDP will help increase public safety by reducing the likelihood that referred youth commit additional delinquent offenses.
2. **Support positive youth development (PYD).** Research shows a strength-based approach to youth case management, as opposed to a deficit-based approach or strictly punitive measures, can lead to better, more positive outcomes for youth.⁷ Case planning and management through a PYD lens can contribute to a youth’s long-term growth and decrease future delinquent behavior.
3. **Promote and ensure equity in the process.** The MYDP is anchored in the belief that all youth, no matter their background or identity, deserve the chance to learn from mistakes and repair harm without the long-term, negative repercussions of a juvenile record. The CBI Subcommittee also views the MYDP as an opportunity to increase the use of diversion for youth of color, who continue to be disproportionately involved in the juvenile justice system at every process point for which there is data.⁸ The Subcommittee expects, therefore, that the MYDP can help increase the overall equity of the system, while also assuring equity in the program itself. To that end, each chapter of this guide was developed with a race equity lens.

⁶ Models for Change (2011). Juvenile diversion guidebook. John D. and Catherine T. MacArthur Foundation. Retrieved from <http://www.modelsforchange.net/publications/301>

⁷ Youth.gov “Positive Youth Development” <https://youth.gov/youth-topics/positive-youth-development>

⁸ JJPAD Board Early Impacts Report Retrieved from: <https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download>

4. **Hold youth responsible for their actions.** Holding youth accountable for the harm they caused can help repair connections and support victims and the community in healing. It can also help support a youth's growth by helping the youth identify different and better ways of addressing challenging situations, giving them the opportunity to accept responsibility for and learn from their actions, and empowering them to become a part of the solution by identifying ways they can repair any harm that was done. Further, by creating a diversion agreement quickly and providing ongoing case management for a relatively short period of time, the MYDP helps bring a potentially faster resolution for victims while more effectively helping the youth connect consequences to their actions.

1.3 Who is the Target Audience for the MYDP?

The CBI Subcommittee recommends that the MYDP be open to referrals from any individual that has the authority to divert a youth – police, clerks, district attorneys, and judges – within the bounds of their legal authority. (These individuals are referred to throughout this guide as “Referrers.”)

The CBI Subcommittee does not recommend that the program place any restrictions on the types of cases or youth that can be referred to it, beyond what is already restricted by law. Instead, the CBI recommends that the MYDP be available for any juvenile delinquency case the referrer considers appropriate. Referrers are strongly urged to refer youth with first-time and/or lower-level offenses, as well any cases where a youth's unmet needs may be driving the delinquent behavior (e.g. behavioral health, educational supports, etc.).

The program is designed to meet the needs of a range of youth, from those who need little to no intervention to those with higher needs/more complicated situations who require more significant case management. If intervention efforts fail and it appears a higher level of court-involvement is necessary, the youth will be referred back to the original referrer.

Statutory Framework for Diversion

The Massachusetts Youth Diversion Program is designed to operate within the Commonwealth's existing legal framework. The program as designed does not change, diminish, or expand the legal authority that individual actors currently have with regards to diversion.

Participation by potential referrers is voluntary; no referrer is required to refer youth to the program. However, potential referrers *should* refer to any applicable statute, caselaw or organizational policy that provides direction regarding the use of diversion, including any restrictions on which youth can be referred to diversion. In particular, referrers should reference **M.G.L Ch. 119 § 54A** and **M.G.L Ch. 276B § 3**.

1.4 Key Concepts

Positive Youth Development

Positive Youth Development (PYD) is a framework that supports a strengths-based approach (i.e. concentrating on a youth's strengths, protective factors and resiliency factors) instead of a deficit-based approach to juvenile development (i.e. what gaps, challenges or services need to be implemented to fix a problem).⁹ Research shows that PYD programs can prevent a variety of risky behaviors and improve social and emotional outcomes for youth.¹⁰

Case planning through a PYD lens should emphasize requirements and interventions that will lead to healthy, happy and safe adulthood.¹¹ The MYDP should use a PYD approach to emphasize that *all youth* are capable of growth and positive change. Ways of using the PYD Framework include:

- Involving youth in the case planning process
- Having youth self-identify goals and strengths
- Connecting youth with supportive adults and engaging supportive adults that already exist
- Supporting pro-social activities and connections
- Promoting positive self-identity and responsibility
- Involving youth in feedback and evaluation of the program

Principles of Effective Intervention: The Evidence-based Foundation for Working Effectively with Youth¹²

The Principles of Effective Intervention (PEI) set the foundation for “what works” in juvenile justice interventions. Until the late 1970s, there was a misconception that “nothing works” in the justice system, implying that any efforts in treatment were inherently ineffective and wasteful.¹³ An increase in research led to the understanding that interventions are most effective when they are tailored to an individual, debunking the prior common ‘one-size-fits-all’ approach in treating youth.¹⁴ PEI specifies that in order to reduce recidivism and provide appropriate interventions for youth, interventions must take into account an individual's likelihood to recidivate as well as their unique needs and learning abilities. Additionally, programming must be implemented with

⁹ Kinscherff, R., Franks, R.P., Keator, K.J., Pecoraro, M.J. (2019). Promoting positive outcomes for justice-involved youth: Implications for policy, systems, and practice. Judge Baker's Children's Center. Retrieved from https://jbcc.harvard.edu/sites/default/files/jbcc_juvenile_justice_policy_brief_2019_print_version.pdf

¹⁰ Youth.gov “Positive Youth Development” <https://youth.gov/youth-topics/positive-youth-development>

¹¹ Ibid Youth.gov “Positive Youth Development” <https://youth.gov/youth-topics/positive-youth-development>

¹² The CBI Subcommittee acknowledges the contributions of the Crime & Justice Institute, which provided this summary of the research on the Principles of Effective Intervention and how it applies to youth diversion.

¹³ Andrews, D. A. et al. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis. *Criminology*, Vol. 28 (3) 369-404.

¹⁴ Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. *Topics in Community Corrections*. 3-8.

fidelity.¹⁵

The Principles of Effective Intervention are *risk*, *need*, *responsivity* and *fidelity*. These principles provide a roadmap for staff to take an individualized approach when working with youth. The **risk** principle tells staff who to treat and with what intensity of intervention; the **need** principle tells staff what to treat; the **responsivity** principle tells staff how to treat; and the **fidelity** principle tells staff how to do the work right.¹⁶

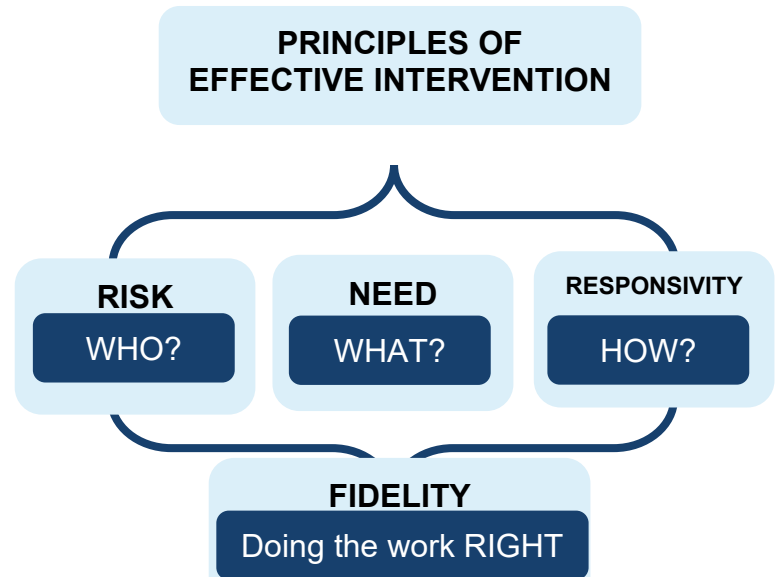


Figure 2: The Principles of Effective Intervention

PEI should be followed throughout the diversion process because it can inform which youth should be diverted, the length of programming, the types of interventions that should be matched with certain youth, case planning activities, and responses to behaviors. Research indicates that when staff follow PEI, youth are provided with more appropriate treatment options and the likelihood of recidivating is reduced.¹⁷ This directly reflects two of the common goals of youth diversion programs, as defined by research:^{18,19} 1) providing developmentally appropriate responses to behavior and 2) reducing the likelihood of future delinquent behavior and recidivism.

PEI Terminology

To better understand the concept of PEI, below is a list of key terms and definitions:

THE “BIG FOUR”

BIG FOUR: A set of criminogenic needs / risk factors that are associated with the likelihood of recidivism

1. **Antisocial attitudes:** A youth’s beliefs, thoughts and values (e.g. lack of trust in authority)
2. **Antisocial personality:** A youth’s perception of themselves and others (e.g. low self-esteem; lack of remorse)
3. **Antisocial peers:** The association with close friends and acquaintances (e.g. friends involved in drug use)

¹⁵ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

¹⁶ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

¹⁷ Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. Topics in Community Corrections. 3-8.

¹⁸ Farrell, Betsinger and Hammond (2018). Best Practices in Youth Diversion. University of Maryland School of Social Work: The Institute for Innovation and Implementation. <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

¹⁹ Principles of Effective Juvenile Justice Policy Juvenile Justice (2018). National Conference of State Legislatures. https://www.ncsl.org/Portals/1/Documents/cj/JJ_Principles_122017_31901.pdf

THE “BIG FOUR”

4. **Antisocial history:** A static risk factor related to past behaviors that resulted in contacts or involvement with the juvenile justice system (e.g. prior adjudications)

COMMON TERMS

ANTISOCIAL: A descriptive term for undesirable behavior (e.g. disregard for others)

COGNITIVE / SOCIAL LEARNING: A learning model that is based on the theory that social influences and reinforcement shape behavior (e.g. behavioral conditioning; cognitive interaction skills; applied behavioral analysis)

CRIMINOGENIC NEEDS / RISK FACTOR: A characteristic that is predictive of the likelihood to recidivate (e.g. lack of self-control; aggressive tendencies; defiance against family/school rules)

DYNAMIC CRIMINOGENIC NEEDS / RISK FACTOR: A characteristic that is changeable (e.g. aggressive behavior; lack of prosocial peers; low self-esteem)

GENERAL RESPONSIVITY: Providing access to learning opportunities that are effective on most people (e.g. cognitive/social learning interventions; Thinking for a Change; Aggression Replacement Training; Multisystemic Therapy)

PROSOCIAL: A descriptive term for desirable behavior (e.g. respect and regard for others; participation in school sports; following parental rules)

PROTECTIVE FACTOR: A characteristic that is associated with a reduction in recidivism (e.g. strong family support; interest in prosocial activities)

RISK LEVEL: A category, typically generated by an assessment, describing person’s likelihood of recidivating (e.g. low, moderate or high-risk level)

STATIC CRIMINOGENIC NEEDS/ RISK FACTOR: A characteristic that is unchangeable (e.g. age of first arrest, number of prior adjudications)

SPECIFIC RESPONSIVITY: Providing access to learning opportunities that are effective for an individual (e.g. accommodations for a learning disability; language translation of program; assistance with transportation to/from services)

The Principles

To incorporate PEI into the day-to-day interactions with youth, one must understand each principle and how it can be applied in the field.

RISK

WHO?

The **Risk Principle** helps us identify **who** to treat, and with what intensity, based on the youth's risk level, or likelihood of re-offending.²⁰ Research tells us that risk should be considered in two ways: 1) youth should be matched with interventions based on their risk level; and 2) youth identified as low-risk or as high-risk should not receive the same intervention. Studies demonstrate that intensive programming (e.g. more frequent required interactions) for youth identified as high-risk decreased their recidivism rate by 10% to 30%.²¹ However, when youth identified as low-risk received the same intensive programming, their recidivism rate increased.²² Additionally, multiple studies demonstrate that when youth identified as low-risk and as high-risk are mixed in programming, recidivism rates increase.²³ For example, programs that separate youth by risk level were able to reduce recidivism by 19%; in comparison, programs that do not separate youth by risk level were only able to reduce recidivism by 4%.²⁴

How is risk level determined? Assessment tools that are designed to determine a youth's likelihood to recidivate are typically used to identify a youth's risk level. These tools collect information regarding various risk factors of youth, across a set of domains (categories). An effective assessment tools should be research-based and will use an actuarial (data-driven) system to determine how predictive each risk factor is in assessing the youth's likelihood to recidivate.²⁵ If the tool indicates that the youth has many risk factors and is more likely to recidivate, the youth will be identified as "high risk"; if less likely to recidivate the youth will be identified as "low risk."

Risk assessment tools are not flawless and are not meant to be prescriptive.

These tools should be used to inform decision-making and not override professional judgement.

Figure 2 provides a simplified example of this.²⁶ All domains have a different impact in assessing risk (determined by the individual assessment). Generally, the "big four" risk factors of recidivism are antisocial attitudes, personality, peers and history. Research

²⁰ Andrews, D. A. et al. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis. *Criminology*. Vol. 28 (3) 369-404.

²¹ Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. *Topics in Community Corrections*. 3-8.

²² Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. *Topics in Community Corrections*. 3-8.

²³ Andrews, D. A. et al. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis. *Criminology*. Vol. 28 (3) 369-404.

²⁴ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

²⁵ Baird, et al. (2013). A Comparison of Risk Assessment Instruments in Juvenile Justice. National Council on Crime and Delinquency http://nccdglobal.org/sites/default/files/publication_pdf/nccd_fire_report.pdf

²⁶ This is a fabricated risk assessment for the purposes of an example only.

indicates that when the big four are present youth are more likely to recidivate. As demonstrated in Table 1, Youth A's answers indicate that they have a higher risk to recidivate, based on answers provided across all domains, but especially across the "big four" (highlighted in gray). Youth identified as high-risk will have more risk factors, or criminogenic needs, than youth identified as low risk.

Table 1. Sample Youth Risk Assessment

Domain	Question	Youth A	Youth B
Current Offense	Is the current offense a felony (F) or misdemeanor (M)?	F	M
Offense History	How many prior adjudications does the youth have?	2	0
Peers	How many friends do they have that are currently under supervision (e.g. probation)?	5	0
Personality	Are they callous or have a disregard for others?	Yes	No
Attitudes	Do they believe their offense is justifiable?	Yes	No
Current System Involvement	Are they currently under supervision?	Yes	No
Family	Do they have parental supervision?	Yes	Yes
Education/Employment	Are they employed and/or regularly attending school?	No	Yes
Drug/Alcohol use	Do they use drugs/alcohol every day?	Yes	No
Risk Level	Likelihood to recidivate	High	Low

The "Big Four"

This is a fabricated risk assessment for the purposes of an example only.

Applying the risk principle in the field: Diverted youth should be provided with a level of treatment that matches their risk levels. High to moderate risk youth should receive more intensive intervention, while low-risk youth should receive little to no intervention.²⁷

NEED

WHAT?

The **Need Principle** indicates **what** risk factors, or criminogenic needs, should be flagged for change. Following the Need Principle means that staff tailor interventions in a case plan to treat youth's unique criminogenic needs.²⁸ Research demonstrates that programs that focus more on criminogenic needs than non-criminogenic needs saw a reduction in recidivism by 31%.²⁹ Research also indicates that programs are most

²⁷ Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. Topics in Community Corrections. 3-8.

²⁸ Latessa, E. (2011). Why the risk and needs principles are relevant to correctional programs (even to employment programs). Criminology and Public Policy Vol. 10 (4) 973-977. American Society of Criminology.

²⁹ Latessa, E. (2011). Why the risk and needs principles are relevant to correctional programs (even to employment programs). Criminology and Public Policy Vol. 10 (4) 973-977. American Society of Criminology.

effective when more criminogenic needs are addressed at once. Researchers found that when programs only addressed one to two criminogenic needs, programs saw an average reduction in recidivism of 16%; programs addressing three to eight criminogenic needs saw an average of 29% reduction in recidivism. In contrast, programs that did not address any criminogenic needs only saw a reduction in recidivism of .06%.³⁰

Applying the need principle in the field: Assessment results, case planning activities and/or matching youth with interventions should all aim to address dynamic criminogenic needs. Antisocial attitudes, peers and personality (part of the “big four”) are all particularly important dynamic criminogenic needs, and thus be top priorities for intervention.

RESPONSIVITY

HOW?

The **Responsivity Principle** tells us **how** to treat criminogenic needs and specifically informs us on what aspects of an individual’s life need to be understood to help them to be successful. Responsivity can be general or specific. General responsivity refers to providing access to learning opportunities that are effective with everyone. For example, cognitive/social learning approaches and interventions are beneficial to most youth and effective in reducing recidivism across youth.³¹ Specific responsivity refers to providing access to learning opportunities that are effective for a given individual. This may include providing individualized accommodations to encourage participation or removing obstacles that limit a person’s involvement in interventions.

Applying the responsivity principle in the field: Staff working with diverted youth should ensure that both general and specific responsivity are addressed. General responsivity can be addressed by expanding the availability of programming or the type of programming that is effective for all youth. This may include increasing access to cognitive behavioral therapies, such as Thinking for a Change,³² or a more general skill set for interacting with youth, such as training in Cognitive Interaction Skills.³³ Specific responsivity can be addressed by helping remove youth’s individual barriers to program participation. This may include adjusting programming to accommodate different learning abilities, assisting youth with transportation options to attend treatments, and referring youth to mental health and behavioral health services.

FIDELITY

Doing the work RIGHT

The **Fidelity Principle** focuses on how to do the work **right**, and specifically assesses if programs/agencies are incorporating risk, need and responsivity into their work with youth. Studies found that programs were most

³⁰ Latessa, E. (2011). Why the risk and needs principles are relevant to correctional programs (even to employment programs). *Criminology and Public Policy* Vol. 10 (4) 973-977. American Society of Criminology.

³¹ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

³² Thinking for a Change: <https://nicic.gov/thinking-for-a-change>

³³ Cognitive Interaction Skills (aka. Core Correctional Practices) are a skills-based training that teaches staff a number of practices that they can use in their day to day supervision interactions that have been shown to increase the effectiveness of rehabilitative services and client supervision.

effective when incorporating staff trainings, staff supervision, structured program models, use of curricula manuals, appropriately matching youth with interventions, monitoring quality assurance/program evaluation and ongoing data collection.³⁴ When these techniques are used, programs were able to reduce recidivism by 14%. In contrast, other programs not using the same techniques increased recidivism 11% to 17%.

Applying the fidelity principle in the field: Agencies overseeing diversion practices should ensure that staff are trained on the program model, and on specific skills that will allow staff to effectively interact and treat youth. These types of trainings may include the use of a specific risk assessment tool; Cognitive Interaction Skills; graduated responses and motivational interviewing; and effective case management and techniques for matching youth with interventions. Training on the Principles of Effective Intervention can be a helpful starting point and set the foundation for future trainings.³⁵ Ongoing coaching and supervision are necessary to ensure that programs are being conducted as designed and staff skills are being maintained. Additionally, the incorporation of quality assurance protocol, program evaluation and data collection process are essential tools in helping agencies assess the effectiveness of their programming.

³⁴ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

³⁵ Bonta and Andrews (2007) Risk-Need-Responsivity: Model for Offender Assessment and Rehabilitation

Chapter 2 Program Guidelines

The following section outlines the CBI Subcommittee’s recommendations for the Massachusetts Youth Diversion Program process. While this section presents guidance for each step of diversion, Diversion Coordinators should be flexible in responding to each youth and diversion case referred to them. The diversion program cannot successfully operate under a one-size-fits-all approach. This section addresses key concepts and provides guidance for Diversion Coordinators to use as reference. Chapter 3 provides more detail on the role and responsibilities of the Diversion Coordinator.

2.1 Making a Referral

Police, clerk magistrates, district attorneys, and judges are all eligible referrers and can decide, at various points in the process, if a youth should be diverted from further juvenile justice processing.

The CBI Subcommittee recommends that the diversion program accept any youth that the referrer believes may be appropriate for diversion, within any applicable legal bounds. (See “Statutory Framework for Diversion,” above, for additional details on diversion eligibility.) Referrers should be highly encouraged to **divert youth with a first or low-level offense. Youth with higher needs, complex cases, or whose unmet needs might be driving delinquent behavior** may also be appropriate candidates. To make the referral, referrers should securely send the necessary information to the Diversion Coordinator (**Appendix A** provides an example referral form template).

Net Widening: A Potential Unintended Consequence

Although research strongly supports the use of diversion as an effective intervention strategy, there is a potential downside to creating a statewide model: “If you build it, they will come.” Without careful implementation, some youth who might otherwise have been given a warning (and, more likely than not, aged out of unlawful behavior with no additional intervention) will be placed in a formal diversion program instead.

Placing lower-risk youth in a formal diversion program is typically done out of a desire to help a youth. However, research shows doing so can be actively harmful, making it more likely that they will ultimately be referred to the court and increasing their odds of re-arrest.

To avoid these unintended consequences, police, clerk magistrates, district attorneys and judges should only refer youth who they have probable cause to believe committed a delinquent offense and that, in the absence of diversion, they otherwise would have processed in the juvenile justice system.

It is recommended that Coordinators reach out to the youth and their parent/guardian **within two business days** of the referral. Coordinators should make every effort (call, email, write, visit) to get in contact with the youth and parent/guardian. If Coordinators are unsuccessful connecting with the youth after multiple attempts, they should report that information to the original referrer.

Once Coordinators contact the youth and their parent/guardian, they should explain what diversion is, what diversion is not, and the voluntary nature of it. If the youth does not have an attorney, the Coordinator should let them know that they have the opportunity to consult with an attorney (See “Access to Counsel,” below) before making a decision, and help them connect with an attorney.

Once the youth and their parents/guardians have had opportunity to consider their options and consult with an attorney if desired, they should indicate whether they want to proceed with creating the diversion program agreement or return their case back to the original referrer. If the youth agrees to participate in the diversion agreement process, the Coordinator can proceed with the steps to create a diversion agreement explained in Section 2.2.

After creating a diversion agreement, youth have another opportunity to accept or refuse the diversion plan. If they refuse the terms of the diversion agreement, they should be referred back to the original referrers. If they accept the terms, Coordinators should send notice to the original referrer that the youth has accepted the diversion opportunity.

Information to be Included in Referrals

- Youth name and contact information
- Parent/guardian name and contact information. Referrers should indicate who has legal and physical custody of the youth, if that information is available to them at the time of referral
- The alleged offense, description of the incident and date of the event
- Name and contact information for the referrer, including their agency and department information
- If there was an identified victim of the alleged offense, referrers should include their name and contact information
- If a youth is referred to diversion after defense counsel has been appointed, counsel's name and contact information should be provided if possible
- Any other information the referrer deems relevant and would like to share regarding the specific case or youth referred
- Option to indicate whether the referrer wants a follow up conversation with the Coordinator

This notice should include:

- general terms of diversion the referrer can expect the youth to engage in (example notice of diversion program acceptance in **Appendix B**).
- a signed copy of the youth's assent to participate in diversion, and their parent/guardian's consent

Access to Counsel

The Committee for Public Counsel Services (CPCS) provides youth who are participating in, or considering participating in, a diversion program with legal counsel, at no cost to the youth or their family.

Topics a CPCS attorney can advise a youth on include:

- Their rights in the process and what rights they give up by participating in diversion instead of the traditional justice system.
- The pros and cons of participating in diversion as compared to going through the traditional juvenile justice system process.
- Consent and release of information forms youth and their parents/guardians may be asked to sign.
- What the juvenile justice system and other state agencies know about a youth's diversion experience once their participation in the MYDP.

Given that many youth and family will not be aware they have this option, Diversion Coordinators play an important role in ensuring youth are aware of their right to counsel, of the ways in which consulting with counsel could be useful to the youth, and that this comes at no cost to the family.

Diversion is intended to be an alternative to court processing and, by design, the process differs in significant ways from the traditional adversarial judicial process. At the same time, the decision to participate in diversion comes with legal implications, and youth who do not successfully complete diversion may ultimately have their cases brought before the court. Accordingly, as this part of the process is operationalized, both of these considerations should be kept in mind.

As part of implementation, the Department of Youth Services and CPCS should establish a standardized system for connecting youth with a CPCS attorney who has received an orientation to the diversion program, and ensuring the youth has time and opportunity to consult with the attorney before intake. DYS and CPCS should also establish protocols delineating the role of the attorney in the diversion process, taking into account the considerations described above, and timelines for sharing and reviewing documents to ensure the diversion process moves forward at an appropriate pace.

2.2 Creating a Diversion Agreement

The Diversion Coordinator is responsible for creating a *diversion agreement* with each youth referred to diversion. Diversion agreements should be tailored to the needs of each youth, with the four goals of diversion in mind:

1. Reduce the likelihood of future offending by youth in the program and increase public safety
2. Support positive youth development
3. Promote and ensure equity in the process
4. Hold youth responsible for their actions

Diversion agreements outline the requirements the youth agrees to follow during the diversion period, including participation in any interventions included in the agreement. There are three steps the Coordinator should go through to develop the diversion agreement. Following these steps will help the Coordinator understand each youth's goals and needs at this initial stage:

1. **Understand context:** Determine what the Coordinator needs to know/understand to establish an effective agreement.
2. **Build a case plan:** Take the information gathered to this point and identify appropriate interventions for the youth.
3. **Write a diversion agreement:** Establish the requirements the youth needs to meet to successfully complete the diversion program.

Understanding Context

Understanding the circumstances of the situation that led to the diversion referral and the needs of the youth, their family and any victims can provide context for Coordinators as they develop a case plan. Additionally, risk/need assessment tools can provide relevant information for recommending the intervention dosage level in case planning.

Youth and their family must be told that they have the right to speak with an attorney before going through the next steps or entering into a diversion agreement. Guidance regarding what information can/should be gathered from outside agencies, and what procedures should be followed when gathering that information, can be found in “Information Sharing” section of this program guide.

As discussed in more detail in Chapter 4 “Information Sharing,” the Diversion Coordinator should encourage the youth and their family to be honest and open, which will greatly aid in the case planning process. In particular, they should be told that **any admissions of guilt or involvement in the referred delinquent offense that youth or their family shares during their participation in diversion will not be shared in current/ongoing and/or other future court cases or disciplinary hearings (e.g. school disciplinary hearings).**³⁶

Aspects to be considered at this stage include:

³⁶ Both M.G.L. Ch. 119 § 54A and M.G.L. Ch. 276B §4 provide statutory guidance stating that any statements made by a juvenile defendant during diversion or restorative justice programming shall be confidential and shall not be subject to disclosure to any judicial or administrative proceedings, law enforcement officer or prosecution.

1. Youth Voice: Give the referred youth the opportunity to explain the alleged offense from their perspective, express their understanding of the allegations against them, determine what they think their obligation is to repair any harm caused, self-identify areas where they could use support, and decide who they think needs to be included in the process. Coordinators and youth should also discuss other aspects of a youth's life to learn about their individual strengths/challenges, daily activities, and likes/dislikes. This interview should help lay the groundwork for future rapport building and a successful diversion.

How? During the interview phase of an intake, Coordinators should give the youth adequate time to reflect and talk about allegations against them, the youth's strengths/challenges, daily activities, and likes/dislikes. Coordinators can encourage youth to reflect on these areas by asking open ended questions and using motivational interviewing techniques. Coordinators can also gain valuable insight into a youth's life through collateral contacts described in more detail in the following steps.

Coordinators should explain to the youth that any information they reveal about the offense they have been accused of – including accepting responsibility – will **not be held against them in future legal/disciplinary proceedings**.

Motivational Interviewing

The CBI Subcommittee recommends that Diversion Coordinators receive training in *Motivational Interviewing (MI)*, which uses specific techniques to encourage behavioral changes in a person. Rather than imposing demands, Coordinators collaborate with youth and allow them the space to self-identify areas of growth and/or change. Coordinators ask youth questions to identify their motivations, goals and action steps.

Combined with a Positive Youth Development (PYD) approach, MI can assist Coordinators as they tailor case plans for youth. Specific diversion requirements and goals can be built with the youth's motivations taken into consideration and can help with buy in.

Examples of techniques that help youth identify behavior changes include:

- Asking open ended questions
- Affirming youth positive behaviors and strengths
- Providing space and time for youth to reflect on behavior
- Listening to instead of talking at youth
- Summarizing what youth have said and repeating it back
- Empathizing with youth

Source: Rollnick, S., & Miller, W. (1995). What is Motivational Interviewing? Behavioural and Cognitive Psychotherapy, 23(4), 325-334. doi:10.1017/S135246580001643X

2. Incoming Offense: Coordinators must understand the full extent of harm resulting from the situation that led to the diversion referral so they can properly address this with the youth directly, or through services in their case plan. This includes understanding the offense charge and severity, if there were any victims, and if there were any violent or dangerous circumstances at the time of offense (i.e. weapons, intoxication).

How? Police reports and Criminal Offender Record Information (CORI)/ juvenile court records are the primary sources for this information. Coordinators may also gather information about the incoming offense through interviews with the referrer, victim and youth.

3. Victim Input: The victim(s) of an alleged offense may be able to provide valuable input and information that can help inform the diversion agreement and process. For example, they may be able to share information surrounding the circumstances of the alleged offense(s), the nature and extent of the relationship with the youth, the harm they experienced as a result of the alleged offense, and any resulting safety concerns. They may also help identify concrete ways for the youth to take responsibility for their actions and repair the harm they have caused.

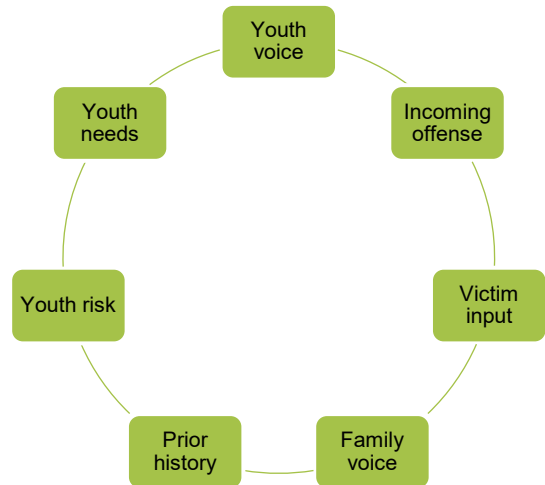


Figure 3: Aspects of Understanding Context

Although some victims may not want to participate in the diversion process, the victim(s) of the alleged offense(s) should be offered the opportunity to provide input to the diversion process and, where appropriate and available, participate in a restorative justice program as a part of the diversion agreement.

A youth's acceptance into the diversion program should not hinge on whether a victim agrees to diversion or not. Rather, victim input should be considered during the intake and case planning process.

How? For any alleged offenses against the person (pursuant to M.G.L. 265), the Diversion Coordinator must consult and/or partner with a trained Victim Advocate or the DYS Victim Services Unit regarding victim involvement in the diversion process. Although the Diversion Coordinator is not required to consult or partner with a Victim Advocate before reaching out to a victim of other types of offenses, they are still

encouraged to do so if there are any circumstances that suggest a greater level of expertise is needed.³⁷

The Diversion Coordinator or Victim Advocate should offer the victim(s) of the alleged offense the opportunity to discuss the diversion program and answer any questions they may have. This conversation should include but not be limited to an explanation of the Diversion Coordinator's role and the purpose and scope of the Massachusetts Youth Diversion Program.

Victim Rights and Notification

The MYDP must ensure victims are notified and given the opportunity to be heard in the diversion process. M.G.L. Chapter 258B (*Victim Bill of Rights*) provides statutory guidance with regards to the rights of victims in the traditional criminal and juvenile justice system. Each referrer and Coordinator is responsible for adhering to the Victim Bill of Rights.

To the extent possible, MYDP Coordinators should coordinate with referrers regarding victim notification, to avoid overburdening victims or creating confusion. This process may look different for different referrers or different stages of the process (e.g. before or after a complaint has been issued).

However the process is operationalized, victims should be notified when the alleged perpetrator of the offense against them has been referred to diversion. At this point, they should be alerted to their rights provided in M.G.L. Chapter 258B. This is also the opportunity to offer the victim the opportunity to participate in a longer conversation about diversion, as described above. At this point, victims should also be asked if they would like to be notified about the following subsequent steps in the diversion process:

- When the youth is accepted to participate in the diversion program, once a diversion agreement has been signed.
- When the youth completes their participation in the diversion process and whether the youth was successful or not. If the youth was unsuccessful, Coordinators/Advocates should explain what happens with the case moving forward.

4. Family Voice: The Coordinator should have a basic understanding of a youth's family and family dynamic. They should give family members the opportunity to be heard during the intake process to:

³⁷ As this program is operationalized, DYS will need to develop a mechanism for ensuring Diversion Coordinators have the opportunity to consult with a trained Victim Advocate. The Subcommittee also recommends that Diversion Coordinators receive training on interacting appropriately with victims.

- respond to the allegations against the youth,
- express any other concerns they have regarding the referred youth,
- provide input on underlying supports needed,
- speak to the youth's strengths,
- inform Coordinators of other state involvement, services and treatments the youth and family are involved in.

Family voice should not be limited to biological/custodial parents; other caregivers (or supports that the youth consider family) should also be included during the information gathering phase.³⁸ Additionally, youth should provide Coordinators with the contact information of anyone else they indicate as a “trusted adult figure” in their life who they think the Coordinator should speak with.

How? Information can be gathered from interviews with family members and other trusted adult figures. A parent/guardian must sign a consent form for youth to participate in diversion. In some circumstances, Coordinators can obtain more family dynamic information from collateral sources. For more information on how to do that, refer to the “Information Sharing” section of this program guide.

5. Prior History: Coordinators should have a general understanding of past intervention/programming attempts, educational programming, and extracurricular activities. This information helps Coordinators understand other systems’ efforts at addressing needs, other stakeholders involved in a youth’s life, and avoid duplication of interventions.

How? Most information should be obtained from youth and families in the initial interview. For more youth with more complex cases or who have higher needs, Coordinators may also need to obtain information from other sources, including reviewing CORI or juvenile court records; requesting information from the other state agencies (if relevant); interviewing the arresting officer(s); interviewing other caseworkers who may have worked with the youth; and requesting school records. For more information on how and when to request this information and for consent forms and releases, refer to the “Information Sharing” section of this program guide.

6. Youth Risk: The Coordinator must assess the youth’s risk of reoffending. Risk is measured through a risk/need screener, the results of which help Coordinators determine the proper level of intervention and if a full assessment should be completed (See Step 7). The Diversion Coordinator should consider that youth who score “low risk” of reoffending require minimal intervention; in fact, overly intervening can increase a youth’s risk of re-offending in the future.³⁹ Youth who score “moderate” or “high risk” of reoffending should receive a higher level of intervention based on the criminogenic needs discovered through a full Risk/Need Assessment.

³⁸ While diversion programs should consider a broad definition of “family,” Coordinators are responsible for knowing who the youth’s parent/guardian is and if that person (or someone else) has legal and/or physical custody of the youth.

³⁹ Vincent, G., Guy, L., Grisso, T. (2012). *Risk Assessment in Juvenile Justice: A Guidebook for Implementation*. Washington, D.C. Office of Juvenile Justice and Delinquency Prevention. Retrieved from <http://modelsforchange.net/publications/346>

How? A short risk/needs screen should be done at intake.⁴⁰ Youth who score “moderate” or “high” should be given a full risk/needs assessment. Note, that risk tools are designed to be used in conjunction with professional judgement; accordingly, there may be limited other situations where a Diversion Coordinator decides a full assessment should be administered even if a youth has scored “low” on a screening.

The CBI Subcommittee is not recommending specific screening and/or assessment tool(s) in this Guide. Instead, the Subcommittee recommends that DYS choose and require the use of a specific tool(s), with consideration to the issues raised in “A Note on the Use of Risk/Need Tools,” below.

7. Youth Needs and Protective Factors: This is one of the most important considerations when developing a diversion agreement. To develop an effective agreement, it is critical for a Coordinator to understand the underlying needs that led to the delinquent behavior. By focusing interventions on these needs, the Diversion Coordinator can help reduce the risk of future delinquent behavior.

In addition to gathering information about the youth’s needs from youth themselves and their families, Coordinators can gain valuable information about the needs of moderate or high risk youth by conducting a full risk/need assessment. A full assessment should not be completed on youth who are classified as “low risk” based on the screener tool in Step 6, unless, as noted above, the Diversion Coordinator identifies a specific reason a full assessment may be needed. A full assessment will provide information on a youth’s “criminogenic” need areas, which are those needs that are linked to delinquent behavior. Examples of criminogenic needs include peer relations, antisocial attitudes/orientation, substance use, and family circumstances.

Additionally, interviews and/or the use of an assessment tool can help identify other needs a youth may have that could impact their ability to respond to treatment and programming. Examples of these needs – called “responsivity factors” – include mental health challenges, cognitive functioning, and access to transportation.

Finally, Coordinators should identify youth strengths that may serve as “protective factors” in reducing the risk of future delinquent behavior. In addition to gathering information on youth’s strengths from the youth and their families, risk/need assessment tools can also help identify criminogenic need domains that are potential protective factors for youth.

How? A short risk/needs screen should be done at intake. Youth who score “moderate” or “high” should be given a full risk/needs assessment. Refer back to section 1.4 for a discussion on risks and needs.

⁴⁰ A Coordinator may conduct a risk/need assessment *prior* to intake in situations where a judge diverting under M.G.L.c. 119 § 54A requests the Coordinator conduct an assessment prior to officially diverting a youth.

A Note on the Use of Risk/Need Tools

The use of risk/need screening and assessment tools as part of the diversion process can be valuable, but also comes with risks.

In particular, the improper use of these tools, or the use of poorly designed tools, has the potential to contribute to disparate impacts already seen in the justice system. Implicit racial, ethnic and gender bias in some assessments can mislabel youth, so they will never receive equitable opportunity.

For this reason, risk/need assessment tools should not be the sole factor used to make determinations about program eligibility or intensity of intervention; the tools should be used to support professional judgement and inform case planning. The Diversion Coordinator should make all possible attempts to ensure that diversion activities do not increase the potential of or exacerbate harmful disparities.

Risk/need screeners and assessments are one tool among many to help the Diversion Coordinator determine a youth's needs. Interviews with the youth, family and other records can provide a Coordinator with important additional context.

When choosing a screening or assessment tool or tools, the CBI Subcommittee recommends considering the following questions:

- Has the tool been developed for/validated with this population?
- Has the assessment been examined for any racial, ethnic, gender or any other bias?
- Are any questions likely to trigger or re-traumatize youth? If so, can Diversion Coordinators appropriately respond to that re-traumatization to minimize negative outcomes and/or can the question be posed in a different manner?

Table 2: Understanding Context Summary

Background Information	Purpose	How to get it
Youth Voice	To support positive youth development, promote buy in, develop rapport, determine strengths and challenges	Interview youth, reflection questions, collateral contacts with family members and other trusted adults
Incoming Offense	Help identify risk of reoffending, address harm caused, understand triggers that might have caused the behaviors for the incoming offense,	Referral form, police reports, interviews with youth, their family and victims

	understand patterns of behavior	
Victim Input	Address the harm caused, hold youth responsible for their actions, identify needs, inform them of rights	Outreach to victim
Family Voice	Understand youth triggers/challenges, support positive youth development, strengthen pro-social supports for youth, promote family engagement, develop rapport, understand previous program/services	Interview family members including parents/guardians and any other trust adult figure in the youth's life
Prior History	Understand other services, programs and treatment models the youth has participated in, understand what has or has not worked with the youth, ensure services are not duplicated	Interviews with youth and their family, information requests from other agencies, CORI background check
Youth Risk	Understand youth's risk of reoffending, determine if a full risk/needs assessment should be completed	Risk/Needs Screening and Assessment
Youth Needs* and Protective Factors	Understand underlying criminogenic behavior, determine unmet needs that youth have, determine if a higher level of case plan intervention/services is needed	Risk/Needs Full Assessment (if the youth scores Moderate or High risk of reoffending in screener), interviews with youth and family
*For youth that score "Moderate" or "High" on the Risk Assessment screener, complete the full Risk/Need Assessment to understand underlying unmet criminogenic needs for a higher level of case planning		

After gathering information about the youth and their surrounding circumstances, Coordinators will have a better idea of how to best develop a case plan and diversion agreement that promotes the four goals of diversion. If any of the information the Coordinator has gathered is conflicting – for example, a difference of opinion between a youth and their family about the best path forward -- the Coordinator should attempt to address the conflict with the pertinent parties as they build a case plan. Ultimately, it is

the job of the Coordinator to look at the totality of information and circumstances, and develop what they believe will be the most effective case plan and diversion agreement in line with the goals of the program.

Building a Case Plan

Understanding the context helps coordinators build a case plan that addresses all four goals of diversion:

1. Reduce the likelihood of future offending by youth in the program and increase public safety
2. Support positive youth development
3. Promote and ensure equity in the process
4. Hold youth responsible for their actions

Case plans will be developed differently for each youth participating in diversion based on the information obtained in the previous section. Generally, **case plans can be distinguished between those for youth with low risks/needs and those for youth with moderate or high risks or needs**. This distinction will continue to inform other diversion program elements in this guide, such as ongoing case management.

Restorative Justice Guiding Principles

This guide is heavily influenced by restorative justice (RJ) principles. While there are several interpretations of RJ and RJ models, this program guide uses a model interpreted largely by Howard Zehr. The central focus of this RJ model is on victim needs and youth responsibility for repairing harm.

Guiding Principles:

- RJ focuses on harm done to people and communities
- Wrongs or harms result in obligations (i.e. accountability and responsibility) for those who cause harm
- RJ promotes engagement or participation from the primary parties affected by crime—those who have been victimized, those who have offended, and members of the community

Questions Restorative Justice Processes Consider:

- Who has been harmed?
- What are their needs?
- Whose obligations are these?

Source Zehr, H. (2015). Little Book of Restorative Justice Revised and Updated. New York, NY: Good Books.

Building a Case Plan for Youth who are Low Risk/Need

One of the first steps Diversion Coordinators should take when creating a case plan is to determine the appropriate needs (domains) that should be addressed. If a risk/need

assessment reveals a youth has low risk and low needs across all domains, Coordinators should have a relatively hands-off approach to case planning. This group of youth can be negatively impacted if coordinators require too much in a diversion agreement, as over-intervention can increase the likelihood of recidivism.

Instead, Coordinators might consider holding youth responsible for their actions through one or two other measures that encourage positive youth development. **Appendix C** provides an example intervention matrix. These measures should be purposeful and help youth learn from their mistakes.

For example, a risk/needs screener identifies a youth as “low” risk and need. This youth was originally referred to diversion for a simple assault charge after they fought with another youth in their neighborhood. One way a Diversion Coordinator could hold this youth responsible for their actions is to have the youth write a letter of apology to the other individual acknowledging the harm done and that physical violence is not an acceptable way to resolve conflict.⁴¹ As part of this process, Coordinators could help the youth identify the thoughts and feelings they had prior to fighting and explore other ways of responding or behaving that would not have led to a fight.

Building a Case Plan for Youth with Moderate or High Risks or Needs

The following guiding principles can help Diversion Coordinators create a case plan for youth who have moderate or high risks or needs. Coordinators should address a youth’s

most significant criminogenic needs, while limiting the total number of requirements for youth. Coordinators should use the youth’s motivations and protective factors to select which of those areas to concentrate on in the case plan. Coordinators should also case plan around any factors that may interfere with a youth’s ability to participate fully in the program (responsivity factors). Following these principles will help Diversion Coordinators craft an effective case plan.

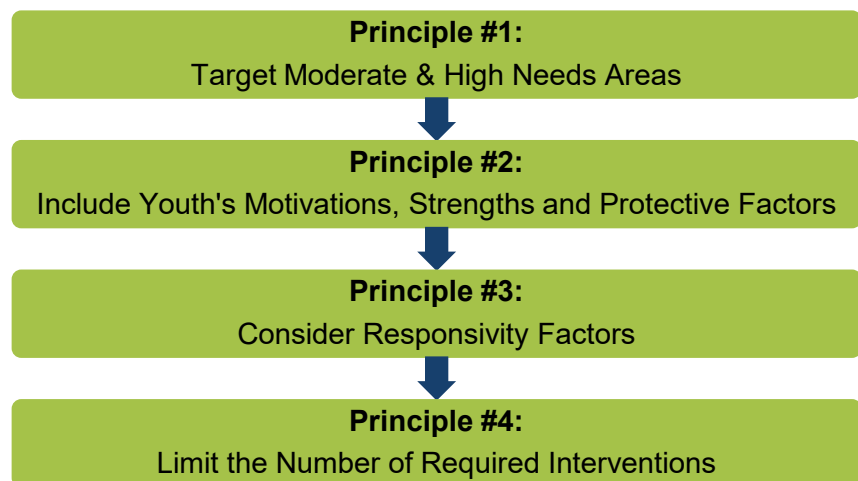


Figure 4: Principles of Building a Case Plan

⁴¹ The letter should only be provided to the victim *if* the victim has indicated that they would like to receive such a letter and if the Diversion Coordinator has reviewed the letter to ensure it is appropriate.

Principle #1:
Target Moderate &
High Needs Areas

If a risk/need assessment identifies that a youth has any moderate or high needs domains, Coordinators should prioritize interventions in those domains. If youth have more than one moderate or high need areas, Coordinators should first address any moderate/high needs in the *peers*, *attitudes/personality* and *behaviors* domains. These categories are the strongest predictors of reoffending and are also dynamic risk factors that can change in response to positive interventions.

For example, if a risk/need assessment reveals a “high” attitudes/personality need and “moderate” behavior need, the Coordinator should consider including a therapeutic program that addresses antisocial attitudes/personalities and behaviors in youth in the case plan. An example of this therapy would be Cognitive Behavior Therapy (CBT). Youth in CBT learn how thoughts and emotions impact behavior. In CBT sessions, individuals are given tools to practice noticing their thoughts and emotions as they occur, and – as a response—alter their behaviors. Coordinators should be familiar with different types of therapies available in their community to aid in matching youth with programs that address their specific needs.

Principle #2:
Include Youth’s
Motivations,
Strengths &
Protective Factors

Coordinators should use information gained from interviewing the youth to incorporate motivating factors into their case plan. Intrinsic motivating factors will help a youth “buy in” to the diversion process and increase the likelihood of success. Coordinators can be creative in how to do this and should **ask youth** what they would want to see in their case plan. For example, a participant might be interested in art, and

have high leisure/recreation needs. The Diversion Coordinator could provide passes to local art exhibits or museums that the youth would attend as part of their diversion requirements. After attending those exhibits, the youth would write a reflection paper on what they learned.

Additionally, if a youth scores “low” in any needs domains, Coordinators should view that as an area of strength (called “protective factors”) for the youth. Coordinators can use that information to further motivate and build on strengths youth already have. For example, if a youth scores “low” on the peers domain, and “high” on the substance abuse domain, Coordinators should consider a substance abuse treatment program that does not interfere with after-school activities or weekend events with positive peer supports.

Principle #3:
Consider
Responsivity
Factors

Interviews with youth and their families, as well as some specialized assessment tools, can help identify other challenges which Coordinators will need to consider when determining how to target interventions for youth (called “responsivity”). These challenges can impact a youth’s ability to engage in other supports; therefore, Coordinators must actively work with youth and families to case plan for these needs.

Mental health concerns, transportation issues and inadequate housing are examples of challenges that can impact a youth’s ability to respond to other interventions. A Coordinator may consider adding services to address those challenges so youth can fully participate in other program interventions.

For example, some youth may not have the means to get to their program each week due to lack of transportation. Coordinators should help the youth map out the best way to get to the program via public transportation. If available/relevant, Coordinators should supply MBTA passes to youth to defer the cost associated with any travel.

Principle #4:
Limit the Number
of Required
Interventions

After addressing each of the previous steps, Coordinators should have an outline of services needed in a case plan. There may be several programs or services on a Coordinator’s list at this point. Coordinators should prioritize moderate or high needs areas, and chose interventions that youth are motivated to try. They should consider the frequency, intensity and time (“dosage”) of each intervention

and ensure youth do not have too many requirements.

One to three interventions and/or responsibility measures are generally sufficient to achieve the goals of diversion.

Coordinators can use the youth’s intervention and service history to consider if any previously attempted interventions should be tried again, or if new approaches are needed. If case plans do use previously attempted intervention techniques, Coordinators should understand why those techniques previously were unsuccessful and avoid those factors.

The Coordinator should also distinguish between interventions in a diversion agreement (requirements) and additional supports youth and families may want to consider (recommendations). Additional supports should aim to complement and build on required supports, but youth should not be required to participate in these as a condition of completing diversion. These recommendations should be provided to youth and families to assist other need areas and next steps after diversion.

These guiding principles can help Coordinators select interventions for the case plan. Coordinators need to be familiar with local evidence-based and promising programs in participants’ communities to match programs with youth. Coordinators also need to

have familiarity with program goals, the target population best served in that program, and any program limitations. Local program matrices can help in service matching. **Appendix C** provides a high-level intervention matrix that can be adapted for local use.

The Diversion Agreement

After the Diversion Coordinator understands the context and builds a case plan, they can craft the individualized diversion agreement. **Appendix D** provides an example diversion agreement template.

Each diversion agreement should have general program rules and information about the youth and their case plan. Coordinators must include the individual case plan requirements on the agreement. To avoid confusion, the Coordinator should provide any additional recommended supports to the youth and family as a separate document.

The diversion agreement should include the following information:

✓ Basic information about the allegation	✓ Notification of the following rights waived: to be brought before a magistrate or judge to have probable cause determined, to have a speedy trial, to confront accusers and to have guilt or innocence determined in court. Such rights may be reasserted at any time by voluntary withdrawal or termination from the diversion program. ⁴²
✓ Notification of voluntary participation	✓ Expectations for family involvement
✓ Expungement/record keeping process information	✓ Requirements to abide by all laws
✓ Start date and projected end date of diversion	✓ Attend all scheduled appointments with the Diversion coordinator
✓ Permission for information sharing between the program and service providers	✓ Individualized requirements based on risk/needs assessment and intervention matching
✓ Contact information for youth and their parent/guardian	✓ Contact information for the Diversion Coordinator
✓ Signed by youth and their parent/guardian	✓ Signed by the Diversion Coordinator

⁴² Massachusetts Rules of Criminal Procedure (Rule 36).

Coordinators should keep this document free of legal language/jargon as much as possible and write the agreement in a way the youth and their parent/guardian can easily understand.

Diversion Coordinators should spend time with the youth and their parent/guardian explaining what each part of the diversion agreement means and answer any questions they may have. At the end of this meeting, youth should understand why they are in diversion, what they will be responsible for, and how to be successful. They should also understand what will happen if they do not meet the diversion requirements.

Copies of the signed agreement should be kept in their client folder and provided to the youth and parent/guardian. If youth and/or their parents/guardian do not agree to the terms of their diversion participation, they must be referred back to the original referrers. Coordinators must alert the original referrers of the decision not to participate. They should not share any personal information obtained throughout the agreement development process with the referrers.

If youth and their parent/guardian agree to the diversion requirements, they should sign the agreement form, and each given a copy. Coordinators must keep a copy of the agreement in a youth's case file and input the individual case requirements into the electronic diversion case management system (see "Data Collection" section for more information).

2.3 Case Management

While youth participate in the diversion program, it is the Coordinator's responsibility to monitor progress and to support each youth in completing the diversion requirements. In many cases, this will include connecting the youth to community-based services. Coordinators should follow the case management guidelines below, while taking each youth's individual needs and circumstances into consideration.

Effective case management requires setting general timeline requirements that can be re-assessed, obtaining feedback from youth, families and service providers, and supporting youth when challenges arise.

Length of Diversion

Diversion should be a relatively short process. Research indicates that prolonged exposure to the juvenile justice system does not necessarily benefit youth, and in some cases, does more harm than good.⁴³ Coordinators should attempt to keep youth in the diversion program within the recommended time frames listed below; this can help

⁴³ The Truth About Consequences: Studies Point Toward Spurring Use of Formal Juvenile Justice System Processing (2012). National Juvenile Justice Network. Retrieved from: <http://www.modelsforchange.net/publications/480>

promote and ensure equity in the program. The following general guidelines should be used when initially setting diversion timelines:⁴⁴

Less than 3 months: Youth with low risk/needs should typically participate in diversion no longer than 3 months.

3 months – 6 months: Youth with moderate to high risk/needs should typically participate in diversion programming between 3 and 6 months.

6 months – 9 months: Youth with particularly high needs that require longer-term interventions may need to participate in diversion programming for 6 to 9 months.

Factors to Consider When Setting and Modifying Diversion Timelines:

Coordinators should consider the following factors when deciding if it is necessary to deviate from the guidelines above when setting or modifying the diversion timelines. Ultimately, it is the Coordinator's role to set and communicate timelines—and any changes to those timelines—with youth and their families throughout the diversion process.

Required level of family support: Some diversion requirements may place demands on families. Coordinators should engage families when appropriate, and accommodate their schedules, potential barriers, and other obligations. Required family participation will necessitate higher levels of coordination between individuals, groups and programs. For that reason, if the diversion agreement requires a high level of family participation, Coordinators may consider extending diversion timelines.

Number of diversion requirements: The more requirements youth must complete as part of their diversion agreement, the more time they should be allowed to complete those requirements. Generally, one to three requirements are sufficient.

Type of diversion requirements: Some requirements, such as writing a letter of apology, may be able to be done in one hour. Others, such as participating in a therapeutic program, can take weeks to start, and months to complete the entire program. Coordinators must take into consideration the level of involvement requirements demand of youth and their families.

Service mismatch: Timelines should allow for the possibility that the initial services chosen turn out to not be a good fit for the youth and their needs. In this situation, timelines may need to be adjusted to allow youth opportunities to try other programs/services that better address their needs.

“Completion” vs. “meaningful progress”: Coordinators need to determine whether youth need to *complete* any or all diversion requirement or indicate that they made *meaningful progress* in any or all requirements. Meaningful progress should be used as an expectation for certain, longer-term interventions, such as on-going individual

⁴⁴ If youth are referred to the MYDP through judicial diversion governed by M.G.L.c. 119 § 54A, Diversion Coordinators must adhere to timelines set out in statute: a judge may set a 90 day stay in proceedings to conduct programming with an option to extend an additional 90 days. These timelines (about 3-6 months) generally align with recommendations set for the rest of Diversion participants.

therapy. Coordinators will need to define what completion and/or meaningful progress looks like and explain those expectations to youth at the time of the agreement.

Monitoring Progress

Coordinators are responsible for monitoring the progress of youth and supporting them throughout their participation in diversion. For low risk youth, Coordinators will most likely be the only person monitoring youth as they complete their requirements. For youth with moderate to high risks/needs, other service providers might monitor program requirements and report back to the Diversion Coordinator. The factors that influence timelines for diversion – including the youth’s risk and need levels and the intensity of the intervention – can also help guide Coordinators when deciding how and how often to monitor a youth’s progress.

Communication with youth, families and service providers should be individualized in each person’s case. Coordinators should set clear expectations with each youth and their family about communication frequency and method(s) at the start of the diversion program. Coordinators should also understand any confidentiality policies and information sharing guidelines the diversion program has established when they develop feedback mechanisms. Chapter 4 of this guide provides more information on what information should be shared between the diversion program and service providers.

Additional questions Coordinators can ask themselves include:

Youth & Families

- Does the youth have the ability to easily communicate with the Coordinator on their own, or will the Coordinators rely on parents/caregivers to coordinate updates and communication with the youth?
- What is the preferred method of communication for youth? Do youth respond to text messages, phone calls, e-mails, social media direct messaging, or in-person visits?
- Has the youth indicated they would like regular check-ins?
- Does the youth present higher risk/needs and therefore may need more frequent check-ins?
- Does the youth have challenges (discussed in the next section) that require higher levels of engagement and support from Coordinators?
- Do all check-in’s need to be in person? Can any/all be virtual? If check-ins are in person, do they need to be at the Coordinator’s office, or can they be elsewhere in the community?

Services/Programs

- Do services/programs already have feedback mechanisms in place? If so, Coordinators should try to incorporate already established processes into their diversion case management.
- Are there certain milestones of progress that the Coordinator expects each youth to reach, or is general participation all that is expected?

- Is there a point person who will work directly with the youth? If so, Coordinators should discuss communication options with that person.
- Do all check-in's need to be in person? Can any/all be virtual?

Ongoing Challenges

The best diversion program can take into consideration all the factors explained in this section, and some youth will still encounter challenges to successfully completing diversion.⁴⁵ Many of the challenges listed below are outside of a youth's control. Coordinators are encouraged to problem solve and find solutions *with youth and their families* when they encounter these problems. Some (but not all) of possible challenges are listed here:

- | | |
|--|-----------------------------|
| • Transportation | • Substance use disorder |
| • Homelessness/housing instability | • Jobs/other obligations |
| • Lack of family engagement/support | • Program mismatch |
| • Safety concerns surrounding gang/neighborhood conflict | • Physical health concerns |
| • Motivation | • Mental health concerns |
| • Program/service waitlists | • Learning disabilities |
| • Language barriers | • Food insecurity |
| | • Health insurance coverage |
| | • Other safety needs |

2.4 Diversion Wrap-Up

Coordinators should communicate expectations with youth throughout their diversion participation to ensure youth understand how to complete their requirements successfully. As discussed in the previous section, the length of time a youth is expected to participate in the diversion program should be set at the initial diversion agreement stage.

As the diversion program comes to an end, Coordinators should determine if the youth has successfully fulfilled their diversion obligations. This determination will vary depending on the youth and requirements set. This section discusses those determining factors and what the final steps of the diversion program should entail.

Determining Successful Diversion Participation

Success can and will look different for each youth participating in diversion. In general, youth should be deemed to have successfully completed diversion if they do the following:

1. Make meaningful progress on/complete most diversion requirements.

Depending on the individualized case plan, some youth may have requirements that

⁴⁵ Section 2.4 goes into greater detail on what "successful" and "unsuccessful" diversion looks like.

are action-oriented and therefore, measures of completion are more objective (e.g. writing a letter of apology or participating in a restorative justice circle).

Other requirements might not be as easily defined by marks of completion, such as participating in mental health counseling or substance use treatment. These types of requirements demand more time and, in some cases, can take years to realize the benefits. In order to encourage a youth's ongoing development, Coordinators should consider the level of participation and "meaningful progress" in these types of requirements through the diversion process. If youth have shown they are making an effort and engaging in these requirements, Coordinators should consider the diversion a success.

- 2. Avoid other unlawful activities.** Youth must abide by laws throughout their diversion participation. Further, they should demonstrate that they understand the negative impact harmful behaviors can cause.

That said, it is expected that youth may make mistakes, and might suffer setbacks during their diversion participation. A new arrest, or participation in other unlawful activity should not automatically end diversion for the youth, but should be considered in totality of the youth's progress. Coordinators should refer back to the Case Management section of this program guide to anticipate and problem solve for challenges youth may face.

If youth are re-arrested during their diversion participation, Coordinators must alert the original referrer of the new arrest. Coordinators should also provide a recommendation to the original referrer on whether they recommend continued diversion participation for the original offense, or if diversion participation should be terminated.

If youth are successful, Coordinators should communicate that to the original referrer and move on to the "Diversion End Date" section of this manual.⁴⁶

Determining Unsuccessful Diversion Participation

There are no circumstances that *automatically* disqualify youth from continued participation in diversion. Coordinators may determine youth unsuccessful in their diversion participation if:

- 1. Youth *did not* make meaningful progress on/complete most of their diversion requirements.** If Coordinators determine that youth were not engaged or making an effort to complete their diversion requirements, even after the Diversion Coordinator made attempts to address any barriers to success, Coordinators should refer youth back to the original referrers.

⁴⁶ The one exception is when a youth is referred to the MYDP through judicial diversion governed by M.G.L c. 119 § 54A. Under the statute, the ultimate decision to dismiss a case resides with the original judge, and the youth may need to return to court to have their case dismissed.

2. **Youth were arrested or charged with a new offense or participated in other unlawful activities.** If the youth is arrested or charged with a new offense while they are participating in diversion, the Coordinator must report that information to the original referrer and provide their recommendation on whether or not diversion should continue. When making this recommendation, Coordinators should consider:
- The severity of the new offense
 - If youth are detained and unable to actively participate in diversion requirements
 - If youth were otherwise making progress on their diversion requirements and showing growth
 - If there had been sufficient opportunity for any interventions to have an impact when the arrest occurred

If youth did not make meaningful progress on/complete most of their diversion requirements, and/or they were charged with a new offense or participated in other unlawful activities, the Coordinator should refer the youth back to the original referrer (police, district attorney, clerk, judge). At this point, the Coordinator should provide the referrer with a report explaining why they believe diversion has been unsuccessful, as well noting any progress that was made (even if minimal) and providing information on any barriers they are aware of that are interfering with the youth's ability to be successful and efforts the Coordinator has made to work with the youth.

At this point, the referrer will determine whether or not they will proceed with the original case through the court system. If a youth ends up in court after a failed diversion attempt, Coordinators can confirm the youth's participation and general reason for failure to the court upon request. However, Coordinators must not disclose any confidential information they obtained through the diversion process. For more information on what information can be shared post-diversion, see the "Information Sharing" section of this manual.

Diversion End Date

At the diversion end date, Coordinators should provide opportunity for ceremony and reflection as well as information on next steps, if any.

Youth who have successfully completed their diversion term should be recognized on (or about) the final day of their diversion participation. Certificates of completion, congratulatory message from state officials (police, district attorneys, clerks, and/or judges who made the referral), and/or an honorary event are appropriate methods of recognition. **Appendix E** provides an example letter and certificate of recognition. Coordinators should consider whether these events need to take place in the Diversion Coordinator's office, courthouse/room, or a more neutral location.

At the diversion end date, Coordinators should:

- Provide recommended next steps and additional supports for youth and their families.

- Distribute reflection questions for the youth to highlight their achievements and provide feedback to the Diversion Coordinator.
- Explain the record retention process and any expungement opportunities.
- Offer the post-diversion follow up survey to parents and youth.
- Answer any questions youth and their families may have.

The program may also want to consider conducting a follow-up risk/need assessment for youth with moderate to high risks/needs, to measure progress during the program. This can help measure the impact of the program, but also requires additional staff time/resources to accomplish.

Information Back to Referrers

At the end of diversion, Coordinators should send a notice to the referrers stating if the youth successfully completed diversion or not.

If youth are successful, Coordinators can also share some of the youth's general successes in the program. For example, Coordinators can explain the youth was "in compliance with their diversion requirements for six months and actively participated in the restorative justice process." Coordinators should not share personal information (e.g. diagnoses for mental health therapy) to the referrer. That information is confidential between the youth and Diversion Coordinator and should only be used for diversion case planning.

If youth are considered unsuccessful in diversion, Coordinators must refer them back to the original referring agency and should provide reasons for failure, as described above. Again, the Diversion Coordinator should take care not to share personal/confidential information about the youth. **Appendix F** provides an example notice to referrers.

Chapter 3 The Role of the Diversion Coordinator

The Diversion Coordinator has an essential role in the success of the Massachusetts Youth Diversion Program and the youth it serves. They must be passionate about the goals of diversion and serving youth, able to adapt and respond creatively to situations, and willing to go the extra mile to help youth and families access the supports they may need. **Appendix G** provides a general job description for Diversion Coordinators.

Coordinators are responsible for the daily case management for youth participating in the program. The Coordinator is the main point of contact for youth in diversion, their families, service providers and diversion referrers. They must be able to build professional relationships and rapport with each of these groups. The person in this position must be able to work well with youth. Coordinators should be highly motivated, critical thinkers who are able to adapt to evolving circumstances.

Additional responsibilities include:

- Meet with youth referred to the diversion program and explain the diversion process and expectations
- Gather information to effectively craft an individualized diversion agreement for each youth by conducting risk/need assessments, interviewing youth, families, victims, and referrers, and reading police, school and other necessary agencies' reports
- Match youth to appropriate interventions for their case plan and develop the diversion agreement based on that case plan
- Monitor the progress of youth throughout the diversion process
- Meet with youth at a pre-determined frequency in the community or at other approved locations
- Keep in contact with youth at a pre-determined frequency through visits, phone calls, text messages, or other approved methods
- Communicate with other system stakeholders and service providers across the communities served
- Build on community connections and establish partnerships for future programming
- Engage youth throughout case planning and communicate expectations at each stage of diversion
- Attend court hearings and other meetings relevant to youth needs⁴⁷
- Distribute, collect and input data on diversion cases for purposes of evaluation
- Keep documentation of progress in a secure area only accessible by diversion staff
- Participate in trainings and other professional development

⁴⁷ Including providing updates in court for youth rereferred to the program under M.G.L c. 119 § 54A.

Professional Qualifications

The CBI Subcommittee recommends that Diversion Coordinators have lived and/or professional experience in the juvenile justice and/or child welfare systems. Candidates for the role should also have a bachelor's or master's degree in a field such as social work, criminal justice, psychology or sociology.

Other recommended qualifications include:

- experience working with at-risk youth and diverse communities
- experience/knowledge of restorative justice practices
- experience/knowledge of community organizations, events and resources.

CORI background checks shall be conducted but having a criminal background should not be an automatic disqualification. Instead, the overall fit, ability and qualifications of each candidate should be considered in combination with the nature of any prior offense(s) and the length of time since the offense occurred.

Chapter 4 Information Sharing

Youth and families have an expectation of, need for, and right to privacy throughout their diversion participation.

This interest is protected by the laws, regulations, and professional responsibilities that limit the disclosure of information.⁴⁸

Although there are situations in which sharing personal information about youth can be beneficial, these benefits must be viewed in balance with the potential of significant consequences, some unintended and harmful to the youth, as detailed in “Unintended Consequences of Information Sharing” below. Disclosing information should not be viewed as strictly beneficial or harmful, but rather with an appreciation of the potential positive and negative consequences.

Diversion Coordinators should presume that personally identifiable information is confidential. Apart from the circumstances described in this section, Diversion Coordinators should not share personal information about youth, including their participation in the diversion program, with other system actors/agencies, and should refrain from requesting personal information about youth from other system actors/agencies.⁴⁹

Additionally, developing rapport and trust with a youth is an important part of a successful diversion. It is also important that programs give youth the opportunity to accept responsibility for their actions. This means that there may be times when a youth admits to delinquent conduct. Accordingly, the CBI Subcommittee recommends that **any admissions of guilt**

Principles Guiding Information Disclosure

*From the “**2018 Guide on the Disclosure of Confidential Information**” developed by the Massachusetts Court Improvement Project*

- Personally identifiable confidential information must only be disclosed in accordance with the law.
- Privacy is essential to establishing trust and building relationships among children, youth, and families and the systems that serve them.
- Due process rights must be preserved and protected.
- Before requesting confidential information, consider the purpose of your request and whether you need the information.
- When requesting consent to disclose confidential information, any consent obtained must be fully informed.
- Whenever possible, parents, youth, and children should be informed about the disclosure of their confidential information.
- Where disclosure of confidential information is allowed, but not required, it should be done for the purpose of promoting positive outcomes for children, youth, and families, and any possible unintended consequences of disclosure should be considered.

⁴⁸ This section is heavily informed by the “Guide on the Disclosure of Confidential Information” developed by the Massachusetts Court Improvement Project (2018): <https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information>

⁴⁹ This does not preclude the sharing of aggregate data, so long as doing so does not reveal any personally identifiable information about a specific youth.

or involvement in the referred delinquent offense that youth shares during their participation in diversion should not be shared in current/ongoing and/or other future court cases or disciplinary hearings (e.g. school disciplinary hearings).

Additionally, personal information obtained throughout the diversion program should not be used against youth in other delinquent and criminal matters.

Unintended Consequences of Information Sharing

Cross-agency information sharing can be beneficial in case planning for youth that require higher levels of intervention and for youth that have specific goals that require confirmation or involvement of other agencies (e.g. school success). This collaborative approach can provide youth with a team of supports, ensure progress is being made, align services, and creatively solve barriers or challenges that arise.

However, disclosure of information can also have harmful effects: providing information about a child or family can prejudice decision makers, incriminate the youth or a family member, or cause embarrassment to a family and lead to distrust of agencies and agency personnel.

These harmful effects are particularly important to consider in the context of the overall goals of diversion, which include shielding youth from harmful effects of system involvement. Concerns can arise when other individuals in a youth's life begin to treat them differently – sometimes *without realizing they are doing so* – due to the fact that they are participating in diversion. The labeling of youth as “bad kids” or “troublemakers” and the negative perceptions and implicit and/or explicit bias that comes with those labels **can be detrimental to the youth's success in the diversion program as well as other aspects of their life.**

Labeling Theory suggests that individuals who are identified by society as “deviant” (e.g. “delinquent,” “criminal,” “troublemaker”) are treated more negatively by others because of the stigma surrounding those labels. This stigmatization produces poor relationships and, ultimately, negative outcomes for youth. Additionally, youth may *self-identify* with a “deviant” term contributing to further delinquent behavior; thus, increasing recidivism and unlawful behavior. In fact, studies have shown that individuals labeled as deviant are *more likely* to engage in deviant acts compared to those who had not been labeled as such.

By minimizing the number of people who know a youth is participating in the diversion program, Coordinators can minimize the unintended consequences of labeling a youth as “deviant,” allowing youth to fully take advantage of their diversion opportunity.

Source: Development Services Group, Inc. 2017. “Diversion Programs.” Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf

4.1 When Can Personal Information Be Obtained?

In most cases, the information needed to develop an effective diversion agreement can be obtained through interviews with the youth and their family as well as information shared through the diversion referral process.

In certain circumstances, however, the Diversion Coordinator may need to obtain information from additional sources to develop an effective case plan. This could include case records or conversations with collateral contacts (e.g. DCF caseworkers or a child's therapist) to obtain information on mental health diagnoses, results of previous evaluations, assessments and interventions attempted, details on previous juvenile justice and/or child welfare system involvement, and information on education attendance, performance and school discipline.

Depending on the specific conditions of a youth's diversion agreement, there may also be times when the Diversion Coordinator needs to obtain information about a youth as part of a case management process. For example, if a condition of a youth's diversion is that they attend school, a Coordinator may need to verify attendance with their school.

A detailed list of the types of information that may need be to be requested, and the circumstances under which it should be requested, is included in Appendix H.

Generally, however, Diversion Coordinators should:

- Consider if the benefits of requesting the information outweigh the potential harm to the youth
- Consider if there are less intrusive ways of obtaining the information (e.g. can information be obtained through the youth or their family?)
- Only request information from other sources when the information is necessary for the successful operation of the diversion program, such as developing a case plan for a youth who has more significant needs
- Adhere to program policies on information sharing and MOUs developed between the diversion program and the agencies from which information may be requested.

If a Diversion Coordinator is unsure whether to request information from outside sources, they should consult with their Supervisor.

4.2 How to Obtain Confidential Information

Personally identifiable and/or confidential information must only be disclosed or used in a manner that is consistent with applicable federal and state laws. This means that personally identifiable confidential information is disclosed and used either with the informed and voluntary authorization of the person the information relates to or someone legally authorized to consent (e.g., parent of minor), or pursuant to an explicit exception to the consent requirement under applicable federal and state laws.⁵⁰

Transparency is important in building trust and contributes to perceived fairness in the juvenile justice system.⁵¹ **Youth and their parents/guardians should be involved in decision-making regarding what information is shared throughout the diversion process and be given the first opportunity to supply Coordinators with any necessary information.**

Diversion Coordinators should talk with youth and their family about the processes for obtaining and sharing information with outside sources. This should include:

- A discussion about the situations in which the Diversion Coordinator will contact other sources for information about the youth, including *what* information will be shared, *who* will obtain the information, *why* the information is necessary, and *how long* information will be shared.
- An explanation regarding confidentiality, including that youth and their families have a right to privacy and that information shared in the diversion program will be kept confidential, *except* in circumstances delineated above.
- Listening to any concerns the youth or their family may have
- Offering the youth the opportunity to consult with legal counsel before signing any documents
- Asking the youth's parents/guardians to sign written consent forms and asking youth to sign an assent form acknowledging that information will be shared between agencies.

Coordinators may find out personal life details, including learning about underlying trauma youth and families have endured, or other facts youth and families may not want others to know. As a result, Coordinators must be thoroughly trained in confidentiality procedures and understand the serious responsibility they have to not share personal case information beyond what is laid out in official documentation. Coordinators should always document when personal information is shared or requested and why they are requesting it for case planning.

Sample records release requests and consent/ assent for parents/guardians and youth can be found in Appendices I and J.

⁵⁰ <https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information>

⁵¹ Weisz, V., Wingrov, T., & Faith-Slaker, A. (n.d.). Children and Procedural Justice. Retrieved from http://www.proceduralfairness.org/_data/assets/pdf_file/0019/5770/weisz.pdf

Special Considerations for DCF Involved Youth

Youth participating in diversion who are in the custody of DCF have the same privacy protections when it comes to sharing personal information.

Youth who are in the custody of DCF, regardless of the reason why, or have current DCF involvement, may be subject to complicated systems of legal decision-making about their personal information. For example, some youth who are involved with DCF may have a specific person identified as their educational decision-maker and that person may not be their parent, foster parent, or caseworker.

The first, and most critical step, **is to speak with the youth's DCF caseworker or the youth's attorney** to determine who is responsible for the youth's personally identifiable information before asking for any information releases. Most often, for youth who are in the custody of DCF due to a Care and Protection case, the DCF caseworker and/or DCF casework supervisor will be able to sign releases for personally identifiable information about the youth. In all cases where a DCF caseworker or casework supervisor cannot sign a release for the information a Diversion Coordinator needs, the Diversion Coordinator should discuss with the youth's attorney what individual is authorized to sign the release and determine what next steps should be taken to obtain the necessary information.

The parent/guardian of youth who are in the custody of DCF due to a Child Requiring Assistance case usually retain decision-making power with regards to the release of confidential information about the youth. Once the Diversion Coordinator confirms that the parent/guardian retains such decision-making power, the Diversion Coordinator should follow the same procedures they follow with non-DCF involved youth in these circumstances.

4.3 When Can Personal Information Be Shared?

There are four situations in which a Diversion Coordinator may need to share personal information about a youth with an outside party. Youth and their family should be notified about these circumstances at the beginning of diversion, both verbally and in writing as part of the diversion agreement that they sign.

1. To Coordinate Services and Treatment with an External Partner: Some youth will have diversion requirements to participate in services with an external agency (i.e. community group, nonprofit agency, treatment facility, club). In these situations, Coordinators should follow the guiding principles above to set up MOUs with service providers to determine information sharing processes. It is recommended that the following information points be shared with service providers:

- Youth name
- Parent/guardian contact information
- Acceptance in the diversion program
- Need areas to be addressed in programming
- The youth's interests, strengths and supportive factors obtained from the risk/need assessment
- Summarized case plan information as relevant (e.g. letting service providers know if a youth should safety plan with them regarding gang-related concerns)

2. To Communicate with Referrers About the Status of the Case: Coordinators should alert the referrers of each diversion case when the youth has signed their diversion agreement. In this notice, Coordinators should give referrers a description of the general diversion requirements and an anticipated diversion end date for the youth. If a Diversion Coordinator becomes aware that a youth was rearrested while participating in the MYDP, the Coordinator must share that information with the original referrer. Once a diversion case ends, Coordinators should notify the referrers, including information on whether the diversion was successful or not, and the youth's accomplishments on diversion.

3. In Response to Requests from Potential Referrers regarding a Youth's Previous Participation in Diversion: Potential referrers may ask, and the Diversion Coordinator may share, information on whether a youth had previously participated in diversion, and if they were successful or unsuccessful, to help guide decisions about whether or not a youth should be referred to the program for a current matter.

4. To Protect the Safety of the Youth and/or the Community: There are limited circumstances in which a Diversion Coordinator may need to breach confidentiality and contact an outside agency (e.g. DCF or local law enforcement). These situations include:

- A youth threatens to hurt themselves
- A youth threatens to hurt someone else
- A youth discusses plans to commit a crime
- A youth states they have witnessed a serious crime (e.g. homicide)
- A youth shares information related to child abuse/neglected that is reportable under the state's Mandated Report Law (M.G.L. c. 119, § 51A)

If these exceptions present during a Coordinator's case management, Coordinators should alert their Supervisor for guidance on next steps.

No personal information about a youth should be communicated to other agencies regarding diversion participation history or for any other reason after a diversion case has closed.

Information Sharing with Schools

Many youth participating in diversion will have requirements dealing with school participation and academic success. Coordinators should work with youth to identify any school-related needs or goals. To monitor progress on school-related requirements, Coordinators have a few options to get corroborating information:

1. Request all academic and disciplinary records through the parent/guardian. Parents/guardians can serve as the liaison between the Diversion Coordinator and schools to protect the right to privacy for the youth on diversion while obtaining collateral information the Coordinator may need.
2. Have an MOU with an educational community program/provider or educational advocate. This group/person is responsible for requesting school records through their organization from the schools. This increases privacy safeguards regarding a youth's participation in the diversion program.
3. Have an MOU with regional schools with identified points of contact (i.e. the guidance counselor) for all information requests for students participating in the diversion program. The contact person will be responsible for sending academic and disciplinary requests detailed in the MOU to the diversion coordinator upon request. This person should not be a teacher or staff member to make sure the student's privacy in the program is maintained.

No matter which method Coordinators chose, Coordinators and school officials must work together to keep youth in school and working toward their academic goals. Students should not be unfairly singled out or receive stricter treatment due to their participation in diversion programs.

For additional details, see MGL Ch 71 §37H, H1 and H2 as well as 603.CMR53.

4.4 Record Retention

No matter if the youth is successful or not on diversion, once their participation in diversion ends, access to their record with the diversion program should be restricted and only accessible to Program Management for aggregate data analysis or to confirm/deny the youth's previous participation in diversion to a referrer, as detailed above. (Access to the record may be granted if a youth participates in diversion on a subsequent charge.) Case details should be kept in accordance with DYS's record retention policy, or until the youth reaches their 18th birthday, whichever is later.

Chapter 5 Data Collection and Continuous Quality Improvement

Collecting data about the youth who participate in the diversion program, as well as operational measures, is especially critical during the Learning Lab period. The Learning Lab structure allows for a controlled roll-out and ability to quickly address any concerns at a more focused level. During the Learning Lab, ongoing collection and analysis of data will help staff stay aware of any ongoing issues in the program, highlight progress made and allow for course correction for unintended consequences. Once the Learning Lab period has ended, the continuous quality improvement methods suggested in this chapter also provide a starting point to implement the program across the state with fidelity in the program.

5.1 Data Collection and Reporting

The Massachusetts Youth Diversion Program should collect, analyze and report aggregate data on a variety of metrics, including information on the characteristics of the youth the program serves, the referrals that are made, interventions used, and outcomes of cases. Diversion Coordinators will need to collect data in a secure manner throughout the diversion program for case management and aggregate data for program reporting purposes. For a complete list of suggested variables to be collected, see **Appendix K**. Data collection and reporting will ensure staff are aware of any ongoing issues in the program, highlight progress made and allow for course correction for unintended consequences.

Developing appropriate metrics to track a program's success and allow for continuous quality improvement is always a challenging endeavor. This is particularly true of programs like diversion, where the long-term positive impact on a youth's life may be difficult to measure due to the overall short nature of the intervention and the difficulty with tracking longer-term data on outcomes (especially positive outcomes).

With those caveats in mind, the CBI Subcommittee has developed the following initial program logic model to identify data and metrics that should be collected and calculated to track progress, identify challenges and ultimately measure success. These metrics are not perfect measures of everything the Subcommittee believes the diversion program should be accomplishing, and longer-term metrics of positive impact are, notably, missing. However, these are metrics that the Subcommittee believes could reasonably be tracked with available data sources, which make them a good place to start.

Partnering with a university to conduct a full-scale program evaluation, as described below, could provide an opportunity to collect additional data on a subset of youth who participate in the program.

Table 3: Program Logic Model

Inputs (Characteristics of Youth Entering Diversion)	Outputs/ Operational Measures	Outcomes (At Close of Program)	Impact (Longer-Term Outcomes)
<ul style="list-style-type: none"> • Age • Race • Ethnicity • Gender identity • Sex assigned at birth • Sexuality • Primary offense severity and type • Secondary offense severity and type • Home county • Sending county • Referring Agency • Youth Risk Level • Youth Need Level/Domains 	<ul style="list-style-type: none"> • # of referred youth • % of cases referred • # of referrers • # of acceptances/refusals • # of diversion agreements signed • # of times youth referred to community service providers • # of times youth referred to restorative justice programs referred to • # of times diversion time frame was extended/shortened • Average # of times case plans were modified • Average number of Coordinator contacts with youth • % of case requirements youth identified themselves • Average # of diversion requirements completed • Average # of diversion requirements • Average length of time on diversion 	<ul style="list-style-type: none"> • # of Successful /unsuccessful diversion attempts • # of youth re-arrested during the program • # of the youth arraigned during the program • # and % demographic breakdown • # of youth and # of families who believed participation in the diversion program was valuable • # of youth who reported feeling like they provided input in their case plan • # of youth who reported feeling supported by the Coordinator • # of youth who reported feeling like they were treated fairly in the program 	<ul style="list-style-type: none"> • # of youth arraigned/adjudicated for an offense 12-24 months post-diversion • # of youth who participate in diversion who are ultimately placed on Probation or Committed to DYS • Changes in racial/ethnic disparities at early decision points • # of youth who participate in diversion who are convicted of a crime in the adult criminal justice system

The diversion program should develop internal, external to other state agencies, and public reports to understand general trends for the youth in the diversion caseload. For an example report, see **Appendix L**. Coordinators must take care to suppress any information that would identify youth participating in diversion in external program and public reports.

5.2 Continuous Quality Improvement Procedures and Oversight

At the beginning of this process, the CBI Subcommittee developed a list of “things to worry about” when developing and launching a diversion program. The most significant worries were about **racial and ethnic disparities, net widening and inability to connect youth with needed services (service gaps)**.

Although the Subcommittee has tried to develop a program model that would avoid these pitfalls, the diversion program should actively monitor for these concerns, particularly during the Learning Lab process. Ways to do this for each concern include:

- **Disparities:** Collect and analyze data on youth’s race and ethnicity to identify any disparities in the program regarding the rate at which youth are referred to the program, the number and intensity of diversion requirements imposed, the success rate of youth participating in diversion, and risk levels of youth assigned by the risk/need screening and assessment tools.
- **Net Widening:** Collect and analyze data on alleged offense types, risk/need levels and number of requirements to monitor that youth with low risk/needs and less serious offense types are receiving an appropriately low level of intervention
- **Service Gaps:** Collect data on the average length of time youth spend on diversion, the number of agreement changes that are made, and the number of requirements to monitor effective service matching by the Coordinator. The diversion program should also work with Diversion Coordinators to develop a system of tracking service gaps (times when the appropriate service does not exist in a given community and/or wait times to access the service are excessive).

In addition to re-occurring data reports, there are four other recommended continuous quality improvement (CQI) methods:

1. **Audit individual cases:** The Diversion Coordinator’s supervisor should be reviewing random case plans at unannounced times. It should be explained to Coordinators that this is not to catch them doing anything wrong, but rather make sure each Coordinator is sticking to the fidelity of the program as outlined in this guide. Case files should be reviewed for updated agreements, contact information and case plans for each youth. Supervisors should account for the individualized nature of each case while ensuring the main elements of diversion cases (i.e. agreements, case plans and data) are all updated and complete. If there are

individual case practice concerns found, including concerns over disparate treatment in case management, supervisors should directly address these with the Coordinator.

2. **Engage youth and family voice in evaluation:** Surveys, focus groups and interviews are all great ways to gain insight into a youth's experience on diversion, strengths and/or weaknesses of the program, and recommendations for improvements. In partnership with their supervisors, Coordinators should outline plans for these qualitative measures throughout the Learning Lab and diversion program. Each youth and parent/guardian should also receive a post-diversion survey on the diversion end date. Example survey drafts can be found in **Appendix M**.
3. **Engage victim voice in evaluation:** Similarly, the program should consider methods of evaluating victims' level of satisfaction with the process.
4. **Present data and findings to CBI Subcommittee:** DYS, the OCA and the Juvenile Justice Policy and Data (JJPAD) Board should determine how often and when each fiscal year diversion supervisors will present statewide diversion program data trends and findings to the Board and CBI Subcommittee. The CBI Subcommittee should serve as an advisory role to the statewide program staff. These reports and presentations should include:
 - Information from the "data reporting" section above
 - Analysis of racial/ethnic disparities in referrals, risk/need categorization, number of requirements or success rate; as well as disparities seen in case practice.
 - Indications of demographic (e.g. girls, trans youth, homeless youth) or other disparities (e.g. charge severity, referring agencies, location)
 - Programmatic and case practice concerns, issues, and challenges
 - Results from youth and family surveys, focus groups and interviews
5. **Program Evaluation:** The CBI Subcommittee also recommends developing a plan for a more substantial program evaluation, which could be done in partnership with a local University.

Appendices

Appendix A: Example Referral Template for Police, Clerks, District Attorneys, Judges

Police, Clerk Magistrates, District Attorneys and Judges can refer youth to Massachusetts' youth diversion programming by securely sending this completed form (to the best of their ability) by email to the Diversion Coordinator.

Refers can divert any youth they think would benefit from the program and that they are legally allowed to divert. Referrers are strongly encouraged to divert the following youth in particular: youth with first offenses, youth with low level offenses, youth with higher needs and/or complex cases whose unmet needs might be driving delinquent behavior.

Youth Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____

Address: _____

Parent/Guardian Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____

Address: _____

Does this person have physical and/or legal custody? ☐ Yes ☐ No

Referral Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____ Agency/Department: _____

Referrer Role: Police Officer ☐ Clerk Magistrate ☐ (Assistant) District Attorney ☐ Judge ☐
(check one)

Case Information:

Alleged Charge: _____ Date of incident: _____

Description of the Alleged Event:

If relevant: Alleged Victim Contact Information: _____

If relevant: Defense Counsel Contact Information: _____

Any other information about this youth/case you would like to share with the Diversion Coordinator?

You will receive notice if the youth has accepted participation in the diversion program.

Do you wish to be contacted by the Diversion Coordinator for any other follow-up before then? ☐ Yes ☐ No

Referrer

Signature: _____ Date: _____

Appendix B: Example Notice to Referrer

Example Notice to Referrer

[Date]

To: [Insert name of referrer]

From: [Insert name of Diversion Coordinator]

Re: Massachusetts Youth Diversion Program Completion

This notice is to inform you that as of _____[Date]____, _____[Name of referred youth] **has agreed to participate in diversion and accepted the program requirements as defined by their diversion agreement.** Their diversion case has been opened, and no further action is required on your part. If there was a victim in this case, _____[Insert name of Diversion Coordinator and/or Victim Advocate]_____ has spoken to them and alerted them of their rights.

The Massachusetts Youth Diversion Program provides an opportunity for youth to be held responsible for their actions and receive services/supports without the consequences of participating in the formal juvenile justice system. In general, youth agree to not engage in further delinquent/ unlawful behavior; fully participate in the services the Coordinator determines necessary; reflect on the possible harm they caused/choices they made; and make meaningful progress/complete their individual requirements of diversion.

You will be notified when the youth successfully completes the diversion program. You will also be notified if the Diversion Coordinator becomes aware that a youth has been arrested or issued a summons for a new offense. Should the youth be unsuccessful in diversion, the Diversion Coordinator will notify you as well. At that point, you may decide to proceed with the legal process, or not, as you see fit.

Should you have any questions, you may contact _____[Diversion Coordinator]_____ at _____[Insert Contact Information]_____.

Diversion Coordinator

Signature: _____ Date: _____

Appendix C: Sample Intervention Matrix

Risk Level	Needs Domains						
	Family	Education/ Employment	Peers	Behavior	Substance Abuse	Recreation	Attitudes/ Personality
Low	Youth with low risk/needs levels should receive minimal interventions; over-intervening will increase the likelihood of future delinquent involvement. Considering using "low" domain needs as protective factors to aid in other response planning.						
Moderate	<ul style="list-style-type: none"> Family engagement program Therapeutic mentor 	<ul style="list-style-type: none"> Tutoring Employment/job skills program Life skills program IEP & Related Evaluations 	<ul style="list-style-type: none"> After school program Community program Mentoring program Restorative justice program 	<ul style="list-style-type: none"> Individual therapy (outpatient) Group therapy (outpatient) Therapeutic mentor/ group 	<ul style="list-style-type: none"> Signed contract between youth, family and Diversion Coordinator Individual therapy (outpatient) Group therapy (outpatient) 	<ul style="list-style-type: none"> After school program Community program Mentoring program Athletic/ fitness program Art program 	<ul style="list-style-type: none"> Individual therapy (outpatient) Group therapy (outpatient) Therapeutic mentor/ group
High	<ul style="list-style-type: none"> FFT, MST, or other intensive family therapy In home therapy (IHT) Intensive Care Coordinator (ICC) Family engagement program 	<ul style="list-style-type: none"> Tutoring IEP Evaluation Employment/job skills program Alternative diploma/ school program Life skills program 	<ul style="list-style-type: none"> After school program Community program Mentoring program Individual therapy (outpatient) Restorative justice program 	<ul style="list-style-type: none"> Inpatient individual therapy Inpatient group therapy Psychiatric/ psychological evaluative 	<ul style="list-style-type: none"> Substance abuse program (outpatient) Substance abuse program (inpatient) Individual therapy (outpatient) Group therapy (outpatient) 	<ul style="list-style-type: none"> After school program Community program Mentoring program Athletic/ fitness program Art program Therapeutic mentor 	<ul style="list-style-type: none"> Inpatient individual therapy Inpatient group therapy Psychiatric/ psychological evaluative

**Responsibility
Measures**

Examples include:

- Writing a letter of apology, or other form of apology (i.e. in person, on the phone, etc. depending on victim needs)
- Writing a reflection essay(s)
- Participation in a Restorative Justice program, and following recommendations on accountability measures
- General community service
- Community service specific to the harm caused (i.e. helping a neighbor repair the broken window the youth broke, volunteering with an organization that services a special population the youth's offense was committed against, volunteering at a local store that the youth committed an offense against, etc.)

Appendix D: Massachusetts Diversion Agreement Template

The Massachusetts Youth Diversion Program provides an opportunity for youth to be held responsible for their actions and receive services/supports without the consequences of participating in the formal juvenile justice system. **If you follow the requirements of this agreement, you can successfully complete diversion and avoid a juvenile record.**

This is an opportunity to learn from your mistakes, grow as an individual, and recognize your personal strengths and supports. Failing to participate and work collaboratively with your Diversion Coordinator means you will be referred back to the juvenile justice system.

You are being referred to the diversion program because a police officer, clerk magistrate, district attorney or judge believes you have committed a crime (called a “delinquent offense” in juvenile court) that would normally place you in the juvenile court system. Below are the allegations being made against you:

Delinquent offense allegation from referrer:

By signing this agreement, I, _____ [Name of youth] agree to the rules of the diversion program:

- ☐ I will not commit any other delinquent act and will avoid unlawful behavior
- ☐ I will fully participate in the services referred by the Diversion Coordinator that are listed in the “Individual Requirements” box below, either until completion or until a time frame agreed upon with my Diversion Coordinator.
- ☐ I will provide the Diversion Coordinator with written documentation of my service participation, if requested.

- ☐ I will communicate with the Diversion Coordinator if any circumstances in my life have changed that impact my ability to participate in the diversion program.
- ☐ I will reflect on the possible harm I caused and the actions and choices I have made.

Additionally, by signing this form and participating in the diversion program I,
_____ **[Name of youth] understand:**

- ☐ I am willingly and knowingly suspending my rights under the Massachusetts Rules of Criminal Procedure (Rule 36), to be brought before a magistrate or judge to have probable cause determined, to have a speedy trial, to confront my accusers and to have my guilt or innocence determined in court. Such rights may be reasserted at any time by my voluntary withdrawal, or if I am terminated from the diversion program.
- ☐ The Diversion Coordinator will seek to match supports and services with my needs and may share information about my participation in diversion with those groups or agencies providing services.
- ☐ The Diversion Coordinator will alert the police, clerk magistrate, district attorney or judge who referred me to the program of my success or failure in this program.
- ☐ The Diversion Coordinator can modify the end date of this contract to accommodate completion of any of these conditions.
- ☐ The Diversion Coordinator has explained to me the following additional requirements of my participation:

Individualized requirements of diversion:

Diversion Start Date: _____ **Diversion End Date:** _____

☐ I understand the terms of the diversion program as written. I understand that if I do not comply with each of these requirements, the police, court clerk, district attorney or judge that referred me to the diversion program will be notified, and further juvenile justice system involvement may proceed.

☐ I understand that if I am referred back to the juvenile justice system, it may result in a juvenile record.

☐ I understand if I successfully complete my diversion requirements, I will not continue formal processing and this diversion case will not be on my juvenile record.

Youth Information:

Name: _____

Phone Number: _____

E-mail: _____

Address: _____

Date of Birth _____

Parent/ Guardian Information:

Name: _____

Phone Number: _____

E-mail: _____

Address: _____

Do you have legal custody of this youth? (circle one) **Yes** or **No**

Youth Signature: _____ **Date:** _____

Parent/Guardian Signature: _____ **Date:** _____

Diversion Coordinator Signature: _____ **Date:** _____

Appendix E: Example Letter & Certificate

[Date]

To [youth's name]:

Congratulations! This letter certifies your successful completion of the Massachusetts Youth Diversion Program. As of ____ [insert date of completion] ____, you have successfully completed your diversion requirements. Over the past few months you have:

- *[Insert individual requirements of diversion]*
- Reflected on the harm you may have caused/choices you made
- Stayed safe and out of serious trouble

You should be proud of all you have accomplished!

Here is what happens next: the police officer, clerk magistrate, district attorney or judge who referred you will be notified of your success, and your diversion case will be closed. **No one will have access to your case record besides the Diversion program, except if you are arrested again before you turn 18 years old.**

If you are arrested again, the police, clerks, district attorneys and/or judge on your case can ask the Diversion Coordinator about your past involvement. At that point, Diversion Coordinators can say that you were involved in diversion and successfully completed the program; no other information about your case will be shared. Your Diversion Coordinator will provide information on if you are eligible to expunge your record, and how to do so if so.

Congrats again on your hard work! We hope you have grown from this experience and continue to learn from it. Feel free to reach out if you have any other questions or concerns in the future.

Sincerely,
Your Diversion Coordinator &
The Massachusetts Youth Diversion Program Team

Certificate of Completion

THIS ACKNOWLEDGES THAT AS OF
[Insert date],

/NAME/

HAS SUCCESSFULLY COMPLETED THEIR REQUIREMENTS WITH
THE MASSACHUSETTS YOUTH DIVERSION PROGRAM

Congratulations on all your accomplishments!

Diversion Coordinator Signature

[service specific person/mentor]

Diversion Program Supervisor

[police, clerk, district attorney, judge]

Appendix F: Example Notice to Referrer of Program Completion

Example Notice to Referrer of Successful Program Completion

[Date]

To: [Insert name of referrer]

From: [Insert name of Diversion Coordinator]

Re: Massachusetts Youth Diversion Program Completion

This notice is to inform you that as of _____ [insert final diversion date]____, _____ [insert name of referred youth]_____ **successfully completed their diversion requirements as defined by their diversion program agreement.** They have no further requirements, their diversion case has been closed, and no further action is required.

The Massachusetts Youth Diversion Program provides an opportunity for youth to be held responsible for their actions and receive services/supports without the consequences of participating in the formal juvenile justice system. In general, youth agree not to engage in further delinquent/ unlawful behavior; fully participate in the services the Coordinator determines necessary; reflect on the possible harm they caused/choices they made; and make meaningful progress/complete their individual requirements of diversion. During their diversion participation, _____ [insert name of referred youth]_____ was able to accomplish:

Diversion Coordinator

Signature: _____ Date: _____

Example Notice to Referrer of Unsuccessful Program Completion

[Date]

To: [Insert name of referrer]

From: [Insert name of Diversion Coordinator]
Re: Massachusetts Youth Diversion Program Completion

This notice is to inform you that as of _____ [insert final diversion date] ____, the Massachusetts Youth Diversion Program has determined that diversion has not been successful for _____ [insert name of referred youth] _____, who you referred to our program on _____ [insert deferral date] _____.

This is notice that their diversion case has officially closed. At this time, if you believe it is appropriate, you may wish to process the original case through the traditional juvenile justice system.

The Massachusetts Youth Diversion Program provides an opportunity for youth to be held responsible for their actions and receive services/supports without the consequences of participating in the formal juvenile justice system. In general, youth agree not to engage in further delinquent/ unlawful behavior; fully participate in the services the Coordinator determines necessary; reflect on the possible harm they caused/choices they made; and make meaningful progress/complete their individual requirements of diversion.

During their diversion participation, _____ [insert name of referred youth] _____ was unsuccessful with one or more of these requirements.

Insert a description of why the diversion was deemed to be unsuccessful. Coordinators should not reveal personal information about the youth. Instead, it is recommended to provide enough information for referrers to make any determinations for next steps. An example would be "Youth stopped showing up for service appointments and did not respond to repeated messages, through multiple communication channels, from the Diversion Coordinator."

If the youth was successful in some aspects of diversion, the Coordinator should also note that here.

Diversion Coordinator

Signature: _____ Date: _____

Appendix G: Diversion Coordinator Example Job Posting

The Diversion Coordinator is responsible for the daily case management for youth participating in the Commonwealth's diversion program. The Diversion Coordinator is the main point of contact for youth in diversion, their families, service providers and diversion referrers. Coordinators must be able to build professional relationships and rapport with each of these groups. The person in this position must be able to work well with youth and adolescents. Applicants should be highly motivated, critical thinkers who are able to adapt to evolving circumstances and who are passionate about the goals of the diversion program.

The Massachusetts Diversion Program aims to:

1. Reduce the likelihood of future offending by youth in the program and increase public safety
2. Support positive youth development
3. Promote and ensure equity in the process
4. Hold youth responsible for their actions

Essential Functions:

- Meet with youth referred to the diversion program and their families and explain the diversion process and expectations
- Gather information to effectively craft an individualized diversion agreement for each youth by conducting risk/need assessments, interviewing youth, families, victims, and referrers, and reading police, school and other necessary agencies' reports
- Match youth to appropriate interventions for their case plan and develop the diversion agreement based on that case plan
- Monitor the progress of youth throughout the diversion process
- Meet with youth at a pre-determined frequency in the community or at other approved locations
- Keep in contact with youth at a pre-determined frequency through visits, phone calls, text messages, or other approved methods
- Communicate with other system stakeholders and service providers across the communities served
- Build on community connections and establish partnerships for future programming
- Engage youth throughout case planning and communicate expectations at each stage of diversion
- Ability to handle confidential information
- Attend court hearings and other meetings relevant to youth needs
- Distribute, collect and input data on Diversion cases for purposes of evaluation

- Keep documentation of progress in a secure area only accessible by diversion staff
- Participate in trainings and other professional development
- Other duties as assigned

Minimum Qualifications:

- Bachelor's degree in Criminal Justice, Social Work, Psychology, Sociology or related field **OR** Associates degree with 2+ years direct experience in preferred qualifications.
- Experience working with at-risk youth
- Experience working with diverse communities
- Knowledge of community groups, events and connections in area Diversion Coordinator will be working in
- Ability to adapt, think critically and problem solve in high stress environments
- Ability to collaborate and work independently at times
- Ability to maintain relationships with youth, their families, service providers, diversion referrers and other partners
- Understands the value of repairing harm caused by individuals or society, and engaging individuals and community in the process
- Strong organizational and time management skills
- CORI check conducted, but not automatically disqualifying

Preferred Qualifications:

- Lived or work experience in child welfare or juvenile justice agencies
- Master's Degree in Criminal Justice, Social Work, Psychology, Sociology or related field
- Knowledge of Spanish or a second language that is spoken by a portion of the community Diversion Coordinator will be working in
- Ethic of service, including volunteering experience
- Driver's license and access to a car
- Knowledge of/ experience in restorative justice practices
- Knowledge of/ experience in screening/assessment tools, case planning and evidence-based practices

Appendix H: Information Sharing Additional Details

As described in the section on Information Sharing, Diversion Coordinators should presume that personally identifiable information is confidential, and only provide or request information about a youth from an outside party under proscribed circumstances. This section details the types of information that can be requested or provided, from/by whom, and under what circumstances.

Requesting Information (Incoming)

Coordinators should document the reason why they are requesting specific information and how it is relevant for case planning. This documentation, along with required signed release of information forms from the youth and their parent/guardian, should be kept in a referred youth's case file.

Coordinators may need to request information from outside agencies for the following reasons:

1. If the information is required to administer the risk/need assessment
2. To identify appropriate services/interventions for the diversion plan
3. To monitor compliance with specific diversion requirements
4. Safety planning for the youth or others
5. For youth with DCF involvement: to better understand youth & family circumstances/dynamics and what other interventions may already be in place

Not all information listed in this section needs to be requested for each youth. Instead, Diversion Coordinators should determine what information is necessary to request for each youth, in alignment with the Principles Guiding Information Disclosure described in the Information Sharing section.

From referrers (police, clerks, district attorneys, judges): to be sent to Coordinators at time of referral

Youth name

Parent/guardian (custodial) contact information (phone number, e-mail, address)

Youth contact information (phone number, e-mail, address)

Alleged offense and description

Date of alleged offense

Date of referral

Name of the referrer

Referrer contact information (agency, office/department location, phone number, e-mail)

Victim contact information (if any)
Defense attorney contact, if applicable/known
Allow space for referrer to share additional relevant information regarding the case/youth

From youth and their families: obtained before case planning. Information listed here should be asked from youth/families first, before asking for it from external agencies. Youth and families could also sign releases for this information from other agencies.

Activities involved in (e.g. sports, recreation, clubs, program, religious services daily routine, etc.)
Strengths/challenges
Previous JJ involvement/treatment/services
Ongoing treatment/services
Mental health /other relevant health diagnoses
Information on school participation/ challenges (could include IEP/504 plans)
School, grade, name of adjustment counselor (or other trusted adult in school setting)
Incoming offense: what happened from the youth's perspective? Coordinators should ask this if it is relevant for case planning or if the youth would like to share their perspective. For some youth, a better option might be to give the space for them to tell their story in a restorative justice process as part of a diversion requirement.
Other relevant attorney contacts (e.g. education, family law) or other important contacts (e.g. caseworkers/education services/probation officers)
Open questions for insight into preferences/what they are looking to get out of this

From DCJIS: obtained during intake and with signed release from parent/guardian

Juvenile Court Involvement Record / Criminal Offender Record Information (CORI)

From Probation: upon request and with signed release from parent/guardian

Open Child Requiring Assistance (CRA) cases
Open Delinquency cases
CRA petition type
Services/treatments in place
Probation officer contact information

From Department of Children and Families: upon request and with signed release from parent/guardian

Open Care and Protection cases
Services/treatments in place
Caseworker contact information

From other holders of privileged information (e.g. therapist): upon request and with signed release from parent/guardian

Mental health diagnoses
Learning disabilities diagnoses
Substance use disorder diagnoses
Therapist/caseworker contact information
<i>*Additional information from evaluations for mental health, learning disabilities and substance use disorders should be shared in conversation with therapist.</i>

From schools: upon request and with signed release from parent/guardian

Attendance records
IEP evaluation and/or plan
504 evaluation and/or plan
School discipline history within the last year

From outside service providers: upon request and with signed release from parent/guardian

Youth name
Requirements met by youth (yes or no)
Challenges/barriers experienced by youth
Assessment results, if any
Successful or unsuccessful completion by youth

Outgoing Information from the Coordinator

As described in the Information Sharing section, the following information may be shared by the Coordinator with other agencies.

Coordinators may need to provide information about a youth (i.e. their name, the fact that they are participating in a diversion program) to external agencies for the following reasons:

1. If the Coordinator is requesting any of the above information (*incoming information*) from an external agency
2. To give status updates to referrers
3. To inform future/other referrers of diversion case completion
4. To ensure the safety of youth and others

To Original Referrers:

Youth name
Acceptance in the diversion program
Generalized diversion agreement
If the victim has been contacted and if they are participating in the process
Projected end date
Once youth has completed diversion, Coordinators provide the additional information to referrers:
Successful or unsuccessful completion
<i>If successful: summary of youth accomplishments</i>

If unsuccessful: explanation of why (i.e. re-arrested, did not complete requirements)

To Future/Other Referrers: this information can only be shared to police, clerks, district attorneys, and judges while the youth is under the jurisdiction of the Juvenile Court (i.e. 18 or later if the age of jurisdiction is ever raised)

Youth name

Acceptance in the diversion program

Successful or unsuccessful completion

If unsuccessful: general reason why (i.e. re-arrested, did not complete requirements)

The following information must be shared with the Coordinator's supervisor when/if it is mentioned by a youth participating in the diversion program. In consultation with the Supervisor regarding the totality of the circumstances, additional reporting might be necessary to one or more of the listed agencies, depending on the circumstances

When Coordinators must share:

Who they share this info with:

If youth threatens to hurt themselves

Crises Response Team,
Parents/Guardians, Other

If youth threatens to hurt someone else

Law enforcement, Parents/Guardians,
Other

If youth tells the Coordinator about a plan to
commit a crime

Law enforcement

If youth admits to another serious crime

Law enforcement

If youth witnesses another serious crime

Law enforcement

Mandated reporter requirements (if a youth is
suspected of being abused and/or neglected)

DCF

To other agencies/providers when requesting information:

Youth name

Acceptance in the diversion program

To Service Providers working with youth as a part of diversion:

Youth name

Acceptance in the diversion program

Areas of need, interests and supportive factors

Other summarized case plans information as relevant (e.g. safety plans)

Parent/Guardian contact info

Other Information Sharing Points:

To victims from Diversion Coordinator or Victim Advocate:

Notice of youth referred to diversion

Notice of youth accepted to diversion

Notice of completion of diversion program (successful and if unsuccessful, notice that the case went back to the referrer)

Appendix I: Parent/Guardian Consent & Youth Assent Forms

Sample Parental Consent

The Massachusetts Youth Diversion Program is an opportunity for youth to be held accountable for their actions and receive services/supports without the negative consequences of the formal juvenile justice system. To achieve the goals of the program, each diversion case plan is tailored to the individual youth. Based on the nature of the allegations against your child, the Diversion Coordinator may do any of the following at intake to create an individualized program for your child:

- interview your child
- interview you and/or other family members
- interview a victim advocate and/or victim of the alleged offense
- conduct a Criminal Offender Record information (CORI)/juvenile court record check on your child for any other juvenile justice system involvement

Massachusetts State Diversion Goals:

1. Reduce the likelihood of future offending by youth in the program and increase public safety
2. Support positive youth development
3. Promote and ensure equity in the process
4. Hold youth responsible for their actions

Additionally, Coordinators will review the original diversion referral form to understand the underlying alleged offense. Information obtained from this report includes:

- Your child's name and contact information
- Your name and contact information
- Alleged offense, date, and description
- Referral contact information and agency (police, clerk magistrate, district attorney or judge)
- Victim contact information, if any
- Defense attorney contact information
- Additional notes from the referral source

Youth, their parents/guardians and family who participate in the diversion program have the right to privacy and confidentiality. Since youth are vulnerable based on their age and lack of agency, Coordinators must take extreme care to protect the identities of youth participating in diversion and limit sharing of personal information. The identities of youth and their families and any personal information obtained throughout the diversion process remains confidential with a few exceptions explained below. **Additionally, any admissions of guilt or involvement in the referred delinquent offense that your child shares during their participation in diversion**

will not be shared in current/ongoing and/or other future court cases or disciplinary hearings (e.g. school disciplinary hearings). Additionally, personal information obtained throughout the diversion program will not be used against your child in other delinquent and criminal matters.

Information shared with the Diversion Coordinator will be kept confidential, **except**:

- To coordinate services and treatment with external partners
- To communicate with referrers about the status of your child's case
- In response to requests from potential referrers regarding your child's previous participation in diversion
- To protect the safety of your child and/or the community including if:
 - your child threatens to hurt themselves
 - your child threatens to hurt someone else
 - your child discusses plans to commit a crime
 - your child states they have witnessed a serious crime (e.g. homicide)
 - your child shared information related to child abuse/neglect that is reportable under the state's Mandated Report Law (M.G.L. c. 119, § 51A)

As part of the diversion process, there are circumstances where Coordinators may ask your child/ you for additional personal information. Examples of additional personal information include:

- Activities your child/family are involved in (e.g. sports, recreation, clubs, program, religious services daily routine, etc.)
- Strengths/challenges of your child
- Previous juvenile justice and/or child welfare involvement
 - If so, any treatment, services and/or prior programming
- Any ongoing treatment, services and/or programming your child and family are involved in
- Any mental health or relevant physical health diagnoses
- Information on school participation (including Individualized Education Plans "IEPs" and/or 504 plans), grades, trusted school supports
- Information on safety concerns regarding specific locations/neighborhoods and/or people related to gang involvement
- Other copies of case plans, case workers, contact information, treatments plans, etc.
- Information on the allegations against your child

Coordinators may also request the above information from external agencies, such as your child's school or the Department of Children and Families (DCF). If that happens, you will be notified by the Coordinator what information is requested, why it is relevant to your child's case plan, who will see that information, and how long that information will be shared. **No other information obtained in the diversion process can be used or held against your child in future court and/or disciplinary reasons.**

Once a diversion case ends, your child's case plan cannot be shared without your permission. The only information shared after a completed diversion case is whether a youth participated in diversion, and if they were successful. Depending on the requesting agency, Coordinators may give a generalized reason why a youth may have been unsuccessful.

I, [Parent/Guardian name], give permission for my child, [Name of child participating in diversion program] to participate in the Massachusetts Youth Diversion Program.

I understand this Diversion Program is an opportunity for my child stay out of the formal juvenile justice system by completing their diversion requirements.

I understand my child has been referred to this program by _____ based on an allegation that my child has committed a delinquent offense.

I understand I have/my child has the right to refuse to participate in the Diversion Program and process through the traditional formal juvenile justice system.

I understand my child has a right to a lawyer throughout the entire Diversion Program.

I understand my child's diversion requirements may include participation in services, treatments or other programs.

I understand my child's requirements may require parental/family involvement.

I understand that if my child successfully completes their diversion requirements, they will not be referred back to the juvenile justice system for formal processing.

I understand that if my child does not successfully complete their diversion requirements, they will be referred back to _____ for formal processing.

I understand my child and I have a right to privacy and that my child's diversion case will be handled confidentially.

I understand what exceptions exist that would permit the Diversion Coordinator to report something my child said/did while participating in the diversion program.

I understand what information has been shared about my child's alleged offense to the Diversion Coordinator.

I understand I may be asked for additional personal information for my child's case plan and I understand I have the right to refuse to request or send any information.

I understand if I refuse or am unable to request or send any personal information requested from the Diversion Coordinator, the Diversion Coordinator may request that information from another agency with this signed release.

I understand Coordinators may/will confidentially share personal information about my child if the following circumstances arise:

- To coordinate services and treatment with external partners
- To communicate with referrers about the status of my child's case
- In response to requests from potential referrers regarding your child's previous participation in diversion
- To protect the safety of your child and/or the community including if:
 - your child threatens to hurt themselves
 - your child threatens to hurt someone else
 - your child discusses plans to commit a crime
 - your child states they have witnessed a serious crime (e.g. homicide)
 - your child shared information related to child abuse/neglect that is reportable under the state's Mandated Report Law (M.G.L. c. 119, § 51A)

I understand I can request copies of personal information requested from and shared to other agencies regarding my child and their diversion case plan.

Parent/guardian Name: _____ Date: _____

Parent/guardian Signature: _____

Sample Youth Assent

The Massachusetts Youth Diversion Program is an opportunity for youth to be held accountable for their actions and receive services/supports without the negative consequences of the formal juvenile justice system. To achieve the goals of the program, each diversion case plan is tailored to the individual youth. Based on the nature of the allegations against you, the Diversion Coordinator may do any of the following at intake to create your individualized case plan:

- interview you
- interview your parents/guardians and/or other family members
- interview a victim advocate and/or victim of the alleged offense
- conduct a Criminal Offender Record information (CORI)/ juvenile court record check on you for any other juvenile justice system involvement

Massachusetts State Diversion Goals:

1. Reduce the likelihood of future offending by youth in the program and increase public safety
2. Support positive youth development
3. Promote and ensure equity in the process
4. Hold youth responsible for their actions

Additionally, Coordinators will review the original diversion referral form to understand the underlying alleged offense. Information obtained from this report includes:

- Your name and contact information
- Your parent/guardian name(s) and contact information
- Alleged offense, date, and description
- Referral contact information and agency (police, clerk magistrate, district attorney or judge)
- Victim contact information, if any
- Defense attorney contact information
- Additional notes from the referral source

Youth, their parents/guardians and family who participate in the diversion program have the right to privacy and confidentiality. Since youth are vulnerable based on their age and lack of agency, Coordinators must take extreme care to protect the identities of youth participating in diversion and limit sharing of personal information. The identities of youth and their families and any personal information obtained throughout the diversion process remains confidential with a few exceptions explained below. **Additionally, any admissions of guilt or involvement in the referred delinquent offense that you share during your participation in diversion will not be shared in current/ongoing and/or other future court cases or disciplinary hearings (e.g. school disciplinary hearings). Additionally, personal information obtained throughout the diversion program will not be used against you in other delinquent and criminal matters.**

Information shared with the Diversion Coordinator will be kept confidential, **except**:

- To coordinate services and treatment with external partners
- To communicate with referrers about the status of your case
- In response to requests from potential referrers regarding a youth previous participation in diversion
- To protect your safety and/or the safety of the community including if:
 - you threaten to hurt yourself
 - you threaten to hurt someone else
 - you discuss plans to commit a crime
 - you state you have witnessed a serious crime (e.g. homicide)
 - you share information related to child abuse/neglect that is reportable under the state's Mandated Report Law (M.G.L. c. 119, § 51A)

As part of the diversion process, there are circumstances where Coordinators may ask you/ your parent(s)/guardian(s) for additional personal information. Examples of additional personal information include:

- Activities you/your family are involved in (e.g. sports, recreation, clubs, program, religious services daily routine, etc.)
- Your strengths/challenges
- Previous juvenile justice and/or child welfare involvement
 - If so, any treatment, services and/or prior programming
- Any ongoing treatment, services and/or programming you and your family are involved in
- Any mental health or relevant physical health diagnoses
- Information on school participation (including Individualized Education Plans "IEPs" and/or 504 plans), grades, trusted school supports
- Information on safety concerns regarding specific locations/neighborhoods and/or people related to gang involvement.
- Other copies of case plans, case workers, contact information, treatments plans, etc.
- Information on the allegations against you

Coordinators may also request the above information from external agencies, such as your school or the Department of Children and Families (DCF). If that happens, you will be notified by the Coordinator what information is requested, why it is relevant to your case plan, who will see that information, and how long that information will be shared.

No other information obtained in the diversion process can be used or held against you in future court and/or disciplinary reasons.

Once a diversion case ends, your case plan cannot be shared without your permission. The only information shared after a completed diversion case is whether you participated in diversion, and if you were successful. Depending on the requesting agency, Coordinators may give a generalized reason why you may have been unsuccessful.

I, [Youth name], agree to participate in the Massachusetts Youth Diversion Program.

I understand this Diversion Program is an opportunity to stay out of the formal juvenile justice system by completing my diversion requirements.

I understand I was referred to this program by _____ based on an allegation that I have committed a delinquent offense.

I understand I have the right to refuse to participate in the Diversion Program and process through the traditional formal juvenile justice system.

I understand I have a right to a lawyer throughout the entire Diversion Program.

I understand my diversion requirements may include participation in services, treatments or other programs.

I understand my requirements may require parental/family involvement.

I understand that if I successfully complete my diversion requirements, I will not be referred back to the juvenile justice system for formal processing.

I understand that if I do not successfully complete my diversion requirements, I will be referred back to _____ for formal processing.

I understand I have a right to privacy and that my diversion case will be handled confidentially.

I understand what exceptions exist that would permit the Diversion Coordinator to report something I said/did while participating in the diversion program.

I understand what information has been shared about my alleged offense to the Diversion Coordinator.

I understand I may be asked for additional personal information for my case plan and I understand I have the right to refuse to request or send any information.

I understand if I refuse or am unable to request or send any personal information requested from the Diversion Coordinator, the Diversion Coordinator may request that information from another agency with this signed release.

I understand Coordinators may/will confidentially share personal information about me if the following circumstances arise:

- To coordinate services and treatment with external partners
- To communicate with referrers about the status of my case

- In response to requests from potential referrers regarding my previous participation in diversion
- To protect my safety and/or the safety of the community including if:
 - I threaten to hurt yourself
 - I threaten to hurt someone else
 - I discuss plans to commit a crime
 - I state I have witnessed a serious crime (e.g. homicide)
 - I share information related to child abuse/neglect that is reportable under the state's Mandated Report Law (M.G.L. c. 119, § 51A)

I understand I can request copies of personal information requested from and shared to other agencies regarding my child and their diversion case plan.

Parent/guardian Name: _____ Date: _____

Parent/guardian Signature: _____

Appendix J: Sample Parent/Guardian Release of Information Form

_____ [Youth] is currently participating in Massachusetts Youth Diversion Program. I, _____ [parent/legal guardian] give permission for the release of the following information from the identified source to _____ [Diversion Coordinator, Massachusetts Diversion Program]:

Information Type	Agency Source and position (e.g. School, guidance counselor)

I understand this information is needed for the following reason:

I understand this information will be shared by the parties until:

Parent/Guardian Name : _____

Date: _____

Parent/Guardian Signature : _____

Appendix K: Variables for Data Collection and Reporting

Category	Definition
This Data Would Be Captured for All Cases Referred to Coordinator	
Date of Birth	Youth's date of birth
Gender Identity	Select all that apply: <ul style="list-style-type: none"> • Boy/man • Girl/woman • Non-binary • Genderqueer • Two-spirit • Unsure • Write your own response • Prefer not to answer
Sexual Orientation	<ul style="list-style-type: none"> • Heterosexual/straight • Gay • Lesbian • Bisexual • Asexual • Pansexual • Queer • Questioning • Write your own response • Prefer not to answer
Transgender Status	<ul style="list-style-type: none"> • No, not transgender • Yes, transgender girl/woman • Yes, transgender boy/man • Yes, transgender nonbinary, genderqueer, or another term • Not sure • Not sure what this question means • Prefer not to answer
Intersex Status	<ul style="list-style-type: none"> • Yes intersex • No, not intersex • Unsure • Not sure what this question means • Prefer not to answer
Race/Ethnicity	Select all that apply: <ul style="list-style-type: none"> • White

	<ul style="list-style-type: none"> • Hispanic/Latinx • Black or African American • Asian • American Indian or Alaska Native • Native Hawaiian or Other Pacific Islander • Other • Unknown (to be used as minimally as possible) • Middle Eastern/North African
Home County	County youth resides in
Sending County	County that referred youth to the diversion program
Referring Agency	Agency name and department if applicable <ul style="list-style-type: none"> • Police • Clerk Magistrate • District Attorney • Judge)
Referral Date	Date youth is referred to diversion program
Most Serious Offense Type	Most serious offense youth is accused of: <ul style="list-style-type: none"> • Person • Property • Motor Vehicle • Public Order • Drugs • Weapons
Most Serious Offense Severity	Misdemeanor or Felony
Risk Level	<ul style="list-style-type: none"> • Screened out of full assessment • Screened in for full assessment • Low • Moderate • High
Needs Domain	Moderate and high criminogenic needs domains based on risk/need assessment
Diversion Start Date	Day youth signs diversion agreement
Diversion End Date	Last day participating in diversion
Was Diversion Offer Accepted?	Yes/No

Victim Involved?	Yes/No
Previous Juvenile Justice History?	Yes/No Type
School	Name District Grade
Individual diversion requirements (select all that apply)	Mental Health Evaluation/ Treatment Substance Abuse Evaluation/ Treatment Family Programming Vocational Programming Educational Supports/Programs Community Service/Volunteerism Restorative Justice Program Letter of apology Mentor program Recreation Program Other: please indicate
Diversion Coordinator Contact Types	Phone call Text In-person at the diversion coordinators office In-person in the field/alternative location Social media direct message (through the program's account only)
Was Diversion Successfully Completed?	Yes/No
Was End Date Extend to Complete Diversion?	Yes/No and how long
Did the Youth Present Unlawful Behavior?*	Yes/No
*If yes, indicate type	Re-arrest Other unlawful behavior

Post-Diversion Survey Completed? Yes/No	
This Data Would Be Captured Only for Youth Who Do Not Successfully Complete Diversion	
Reason for Non-Completion	<p>If the coordinator determines that the youth has not successfully completed diversion, list the reason for non-completion here. Options include:</p> <ul style="list-style-type: none"> 1) Re-arrest 2) Non-compliance with diversion requirements
Outcome	<p>Processed in court</p> <p>Charges dropped/case dismissed (note what court process stage this occurred at)</p> <p>Other: please specify</p>

Appendix L: Example Data Report

Q2: Referred Youth Report⁵²

Referred Youth				
Variable	Quarter			
	Q1		Q2	
	n	%	n	%
Total Number of Youth Referred	150	100%	200	100%
Total Number of Youth that Accepted Diversion Agreement	145	97%	199	99%
Race/Ethnicity of Referred Youth				
White	60	40%	75	38%
Black/AA	50	33%	65	33%
Hispanic/Latinx	30	20%	50	25%
Asian	5	3%	2	1%
Middle Eastern/North African	4	2%	8	4%
American Indian or Alaska Native	1	0.6%	0	0%
Native Hawaiian or Other Pacific Islander	0	0%	0	0%
Other	0	0%	0	0%
Unknown	0	0%	0	0%
Gender Identity of Referred Youth				
Boy/Male	100	67%	125	63%
Girl/Female	50	33%	75	38%
Another gender	0	0%	0	0%
Unsure/prefer not to answer	0	0%	0	0%
Transgender Status of Referred Youth				
Transgender	15	10%	10	5%
Not transgender	135	90%	180	90%
Prefer Not to Answer/not sure	0	0%	10	5%
Intersex Status of Referred Youth				
Intersex	1	0.6%	2	1%
Not Intersex	149	99%	198	99%
Prefer not to answer/not sure	0	0%	0	0%
Sexual Orientation of Referred Youth				
Heterosexual	120	80%	162	81%
LGB+	30	20%	28	14%
Prefer Not to Answer/not sure	0	0%	10	5%
Age: Average and Range of Referred Youth				

⁵² Fabricated numbers for example purposes.

Average age	15.45			15.32
12 yo	2	1%	8	4%
13 yo	8	5%	7	4%
14 yo	10	7%	20	10%
15 yo	15	10%	20	10%
16 yo	60	40%	80	40%
17 yo	55	37%	65	33%
Home County of Referred Youth				
Barnstable	5	3%	9	5%
Berkshire	15	10%	25	13%
Bristol	13	9%	10	5%
Dukes	3	2%	2	1%
Essex	14	9%	27	14%
Franklin	5	3%	8	4%
Hampden	22	15%	30	15%
Hampshire	8	5%	4	2%
Middlesex	10	7%	8	4%
Nantucket	2	1%	1	1%
Norfolk	12	8%	20	10%
Plymouth	8	5%	10	5%
Suffolk	18	12%	25	13%
Worcester	15	10%	21	11%
Sending County of Referred Youth				
Barnstable	13	9%	10	5%
Berkshire	15	10%	25	13%
Bristol	13	9%	10	5%
Dukes	0	0%	2	1%
Essex	14	9%	27	14%
Franklin	5	3%	8	4%
Hampden	22	15%	30	15%
Hampshire	8	5%	4	2%
Middlesex	8	5%	8	4%
Nantucket	2	1%	0	0%
Norfolk	12	8%	20	10%
Plymouth	8	5%	10	5%
Suffolk	20	13%	25	13%
Worcester	15	10%	21	11%
Referral Sources for Referred Youth				
Police Referral	55	36%	62	31%
Clerk Referral	22	15%	35	17%

District Attorney Referral	49	33%	59	30%
Judge Referral	24	16%	44	22%
Most Serious Offense Type and Severity for Referred Youth				
Person- Misdemeanor	23	15%	28	14%
Person-Felony	10	6%	12	6%
Property-Misdemeanor	40	26%	55	28%
Property-Felony	5	3%	8	4%
Public Order/Other-Misdemeanor	22	15%	30	15%
Public Order/Other-Felony	0	0%	0	0%
Drugs-Misdemeanor	25	17%	28	14%
Drugs-Felony	10	7%	12	6%
Motor Vehicle-Misdemeanor	5	3%	7	4%
Motor Vehicle-Felony	5	3%	12	6%
Weapons-Misdemeanor	5	3%	8	4%
Weapons-Felony	0	0%	0	0%

Q2: Caseload Report⁵³

Current Caseload		
Variable	Quarter 2	
	n	%
Q2 Total Active Caseload	525	100%
Race/Ethnicity of Q2 Caseload		
White	235	45%
Black/AA	125	24%
Hispanic/Latinx	110	21%
Asian	30	6%
Middle Eastern/North African	25	5%
American Indian or Alaska Native	0	0%
Native Hawaiian or Other Pacific Islander	0	0%
Other	0	0%
Unknown	0	0%
Gender Identity of Q2 Caseload		
Boy/Male	330	63%
Girl/Female	195	37%
Another gender	0	0%

⁵³ Fabricated numbers for example purposes.

Prefer not to answer	0	0%
Transgender Status of Q2 Caseload		
Transgender	50	10%
Not transgender	470	90%
Prefer Not to Answer/Not sure	5	1%
Sexual Orientation of Q2 Caseload		
Heterosexual	300	57%
LGB+	200	38%
Prefer Not to Answer/Not sure	0	0%
Age: Average and range of Q2 Caseload		
Average age	15.32	
12 yo	10	2%
13 yo	10	2%
14 yo	50	10%
15 yo	155	31%
16 yo	175	35%
17 yo	100	20%
Home County of Q2 Caseload		
Barnstable	25	5%
Berkshire	45	9%
Bristol	40	8%
Dukes	8	2%
Essex	55	11%
Franklin	15	3%
Hampden	80	16%
Hampshire	50	10%
Middlesex	25	5%
Nantucket	5	1%
Norfolk	25	5%
Plymouth	22	4%
Suffolk	50	10%
Worcester	55	11%
Sending County of Q2 Caseload		
Barnstable	15	3%
Berkshire	48	10%
Bristol	40	8%
Dukes	13	3%
Essex	55	11%
Franklin	15	3%

Hampden	80	16%
Hampshire	50	10%
Middlesex	22	4%
Nantucket	7	1%
Norfolk	25	5%
Plymouth	22	4%
Suffolk	53	11%
Worcester	55	11%
Referral Sources of Q2 Caseload		
Police Referral	180	36%
Clerk Referral	95	19%
District Attorney Referral	150	30%
Judge Referral	75	15%
Most Serious Offense Type and Severity of Q2 Caseload		
Person- Misdemeanor	90	17%
Person-Felony	20	4%
Property-Misdemeanor	129	25%
Property-Felony	10	2%
Public Order/Other Misdemeanor	47	9%
Public Order/Other Felony	0	0%
Drugs-Misdemeanor	130	25%
Drugs-Felony	10	2%
Motor Vehicle- Misdemeanor	59	11%
Motor Vehicle- Felony	20	4%
Weapons-Misdemeanor	10	2%
Weapons-Felony	0	0%
Risk Level of Q2 Caseload		
Low	300	60%
Moderate	150	30%
High	50	10%
Caseload Intervention Types of Q2 Caseload		
Vocational Programming	50	10%
Substance Abuse Evaluation/ Treatment	100	20%
Restorative Justice Program	80	15%
Recreation Program	125	25%
Other	40	8%
Mentor program	80	16%

Mental Health Evaluation/ Treatment	250	50%
Letter of apology	200	40%
Family Programming	100	20%
Educational Supports/Programs	150	30%
Community Service/Volunteerism	220	44%
Average Number of Interventions/ Youth	2.1	
Average Number of Interventions Youth Identified	1.9	

Current Caseload by Race & Ethnicity of Q2 Caseload

Most Serious Offense Type and Severity												
	Person		Property		Public Order/Other		Drugs		Motor Vehicle		Weapons	
Race	Misd.	Fel.	Misd.	Fel.	Misd	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.
White	25%	10%	30%	5%	5%	0%	5%	10%	5%	0%	5%	0%
Black/AA	23%	14%	40%	0%	3%	0%	15%	0%	0%	0%	5%	0%
Hispanic/Latinx	18%	8%	25%	15%	5%	0%	20%	0%	5%	0%	4%	0%
Asian	20%	5%	30%	12%	5%	0%	17%	4%	4%	0%	3%	0%
MENA	13%	9%	28%	9%	3%	0%	24%	10%	2%	0%	2%	0%

Risk Level			
Race	Low	Mod	High
White	80%	10%	10%
Black/AA	75%	15%	10%
Hispanic/Latinx	83%	5%	12%
Asian	90%	5%	5%
MENA	88%	9%	3%

Average Num. Interventions	
White	1.90
Black/AA	2.10
Hispanic/Latinx	2.30
Asian	1.20
MENA	1.89

Q2: Closed Cases Report⁵⁴

Closed Cases: Quarter 2		
Variable	n	%
Successful	109	95%
Unsuccessful	6	5%

⁵⁴ Fabricated numbers for example purposes.

Race/Ethnicity of Q2 Closed Cases		
	Successful	Unsuccessful
White	92%	8%
Black/AA	97%	3%
Hispanic/Latinx	93%	7%
Asian	95%	5%
Middle Eastern/North African	98%	2%
American Indian or Alaska Native	0	0%
Native Hawaiian or Other Pacific Islander	0	0%
Other	0	0%
Unknown	0	0%
Gender Identity of Q2 Closed Cases		
Boy/Male	95%	5%
Girl/Female	98%	2%
Another gender	0	0%
Prefer not to answer/not sure	0	0%
Intersex Status of Q2 Closed Cases		
Transgender	95%	5%
Not transgender	92%	8%
Prefer Not to Answer/not sure	0%	0%
Sexual Orientation of Q2 Closed Cases		
Heterosexual	91%	9%
LGB+	92%	8%
Prefer Not to Answer/not sure	0%	0%
Age: Average and range of Q2 Closed Cases		
Average age	15.80	15.15
12 yo	0%	0%
13 yo	98%	2%
14 yo	95%	5%
15 yo	100%	0%
16 yo	94%	6%
17 yo	92%	8%
Home County of Q2 Closed Cases		
Barnstable	100%	0%
Berkshire	95%	5%
Bristol	96%	4%
Dukes	93%	7%
Essex	93%	7%
Franklin	98%	2%

Hampden	94%	6%
Hampshire	96%	4%
Middlesex	95%	5%
Nantucket	98%	2%
Norfolk	95%	5%
Plymouth	94%	6%
Suffolk	97%	3%
Worcester	96%	4%
Sending County of Q2 Closed Cases		
Barnstable	98%	2%
Berkshire	94%	6%
Bristol	95%	5%
Dukes	97%	3%
Essex	98%	2%
Franklin	94%	6%
Hampden	94%	6%
Hampshire	99%	1%
Middlesex	95%	5%
Nantucket	97%	3%
Norfolk	95%	5%
Plymouth	98%	2%
Suffolk	96%	4%
Worcester	96%	4%
Referrals of Q2 Closed Cases		
Police Referral	92%	8%
Clerk Referral	98%	2%
District Attorney Referral	94%	6%
Judge Referral	96%	4%
Most Serious Offense Type and Severity of Q2 Closed Cases		
Person- Misdemeanor	96%	4%
Person-Felony	94%	6%
Property-Misdemeanor	98%	2%
Property-Felony	97%	3%
Public Order/Other-Misdemeanor	94%	6%
Public Order/Other-Felony	98%	2%
Drugs-Misdemeanor	95%	5%
Drugs-Felony	95%	5%
Motor Vehicle-Misdemeanor	96%	4%
Motor Vehicle-Felony	98%	2%

Weapons-Misdemeanor	95%	5%
Weapons- Felony	0	0%
Risk Level of Q2 Closed Cases		
Low	97%	3%
Moderate	93%	7%
High	91%	9%
Caseload Intervention Types of Q2 Closed Cases		
Vocational Programming	92%	8%
Substance Abuse Evaluation/ Treatment	91%	9%
Restorative Justice Program	99%	1%
Recreation Program	95%	5%
Other	92%	8%
Mentor program	93%	7%
Mental Health Evaluation/ Treatment	95%	5%
Letter of apology	98%	2%
Family Programming	99%	1%
Educational Supports/Programs	94%	6%
Community Service/Volunteerism	96%	4%
Average Number of Interventions/ Youth	1.9	2.2
Average Number of Interventions Youth Identified	1.9	1.8

Q2 Closed Cases by Success				
Process	Q1		Q2	
	Successful Youth	Unsuccessful Youth	Successful Youth	Unsuccessful Youth
Average length of time on diversion	4.1 months	5.1 months	4.0 months	5.0 months
Average number of times diversion time frame was modified	1.1	1.8	0.9	1.6
Average number of time diversion requirements were modified	1.2	1.3	1.4	1.5
Average number of contacts with youth from Diversion Coordinator	1/month	1/month	1.1/month	0.9/month

Number of youth re-arrested during program	0	5	1	6
Percentage of youth who thought diversion was valuable	95%	90%	95%	85%
Percentage of youth who believed they provided input in their case plans	95%	90%	100%	90%
Percentage of youth who thought they were supported by Coordinator	95%	90%	100%	90%
Percentage of youth who thought they were treated fairly	100%	95%	95%	95%

Q2 Closed Cases by Race/Ethnicity					
Process	White	Black/AA	Hispanic/Latinx	Asian	MENA
Average length of time on diversion	4.2 months	3.9 months	3.8 months	3.1 months	3.2 months
Average number of times diversion time frame was modified	1.8	2.1	1.9	1.9	2.2
Average number of time diversion requirements were modified	1.9	2.2	1.9	1.7	1.8
Average number of contacts with youth from Diversion Coordinator	1/month	1/month	1.3/month	1/month	1.4/month
Number of youth re-arrested during program	3	2	1	0	1
Percentage of youth who thought	90%	95%	95%	90%	94%

diversion was valuable					
Percentage of youth who believed they provided input in their case plans	90%	90%	90%	95%	92%
Percentage of youth who thought they were supported by Coordinator	90%	85%	90%	95%	98%
Percentage of youth who thought they were treated fairly	85%	90%	90%	95%	94%

Appendix M: Example Post-Diversion Youth Survey

1. On a scale from 1 (not at all) to 10 (very), how valuable do you think the diversion program was for you?

1	2	3	4	5	6	7	8	9	10
Not at all				Neutral					Very much

2. Do you understand why you were referred to the diversion program?

No	Somewhat	Yes
----	----------	-----

3. Were you asked to provide input in determining your diversion requirements?
(circle one)

No	Somewhat	Yes
----	----------	-----

4. Do you feel like you had a chance to express your thoughts and views in the diversion process?

No	Somewhat	Yes
----	----------	-----

5. During this program, did you reflect on any harm you may have caused?

No	Somewhat	Yes
----	----------	-----

6. Has participating in this program helped you learn from past mistakes?

No	Somewhat	Yes
----	----------	-----

7. Did you feel supported by the Diversion Coordinator throughout this program?

No	Somewhat	Yes
----	----------	-----

8. Do you feel like you were treated fairly in this program?

No	Somewhat	Yes
----	----------	-----

9. I feel like I can stay out of trouble in the future.

Disagree	Neutral	Agree
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10. In a few sentences, write down how you would describe what diversion is to a friend:

11. Is there anything else you want us to know about your diversion experience?

Example Post-Diversion Parent Survey

1. Do you think your child benefited from the diversion program?

No Somewhat Yes

2. Were you asked to provide input in determining your child's diversion requirements?

No Somewhat Yes

3. Do you feel like you had a chance to express your thoughts and views in the diversion process?

No Somewhat Yes

4. Did you feel supported by the Diversion Coordinator throughout this program?

No Somewhat Yes

5. Do you feel like your child was treated fairly in this program?

No Somewhat Yes

6. Do you feel like you were treated fairly in this program?

No Somewhat Yes

7. This program has had a positive impact on my child's life.

Disagree Neutral Agree

8. Is there anything else you want us to know about your child's diversion experience?

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