

RESTORATIVE JUSTICE PILOT PROGRAM
MEMORANDUM OF UNDERSTANDING

Case Name: _____ Docket No: _____ Court: _____

The individuals signing below understand and agree that this case will proceed to a Restorative Justice (“RJ”) process through the Supreme Judicial Court’s Pilot Program on the following terms:

Voluntary Participation. Participation in the RJ process is entirely voluntary. Any party may stop participating at any time without penalty. An impacted party may choose to participate in the RJ process, may choose not to participate, or may change their mind over the course of the RJ process. Once the parties agree that the responsible party may proceed with the RJ program, if the impacted party decides later to withdraw from the process, the case will continue in the RJ program as long as the responsible party continues to work in good faith to take meaningful responsibility and repair the harm.

Confidentiality. Information shared by the responsible party, the impacted party, and any other participants in the RJ process, including during intake interviews, follow-up interviews, and circle processes, is confidential and may not be used as evidence against any person. Information obtained through an independent source or that inevitably would be discovered by lawful means may be used as evidence.

Reporting. The RJ vendor may report to the court about the status of the responsible party’s participation in the RJ process and compliance with the RJ program requirements. The responsible party’s failure to complete the RJ process, or lack of compliance with RJ program requirements, may be considered by the court in determining whether to continue to stay the criminal case, and on what terms, but otherwise may not be used against the responsible party in any way. If the RJ vendor determines that the responsible party has successfully completed the RJ process, the RJ vendor shall report that fact to the prosecutor and the court and it will be considered at the time of the responsible party’s plea, sentencing, or other disposition of the above-referenced case.

Mandated Reporting. Notwithstanding the confidentiality provisions of this agreement, the mandated reporting laws in Massachusetts require certain professionals who may participate in the RJ process to report to relevant authorities evidence of ongoing abuse or neglect of children, disabled persons, or the elderly, including intimate partner violence that may endanger children.

By signing below, the responsible party’s counsel and the Assistant District Attorney acknowledge that they have reviewed and discussed the contents of this memorandum with the responsible party and any named impacted party, respectively.

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|-------------------|--------------|-------|
| _____ | _____ | _____ |
| Responsible Party | (print name) | Date |

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|-----------------------------|--------------|-------|
| _____ | _____ | _____ |
| Responsible Party's Counsel | (print name) | Date |

| | | |
|-----------------------------|--------------|-------|
| _____ | _____ | _____ |
| Assistant District Attorney | (print name) | Date |

****This completed form must be included in the referral packet sent to the RJ vendor***