

UTAH JUVENILE COURT: NONJUDICIAL ADJUSTMENT PROCESS

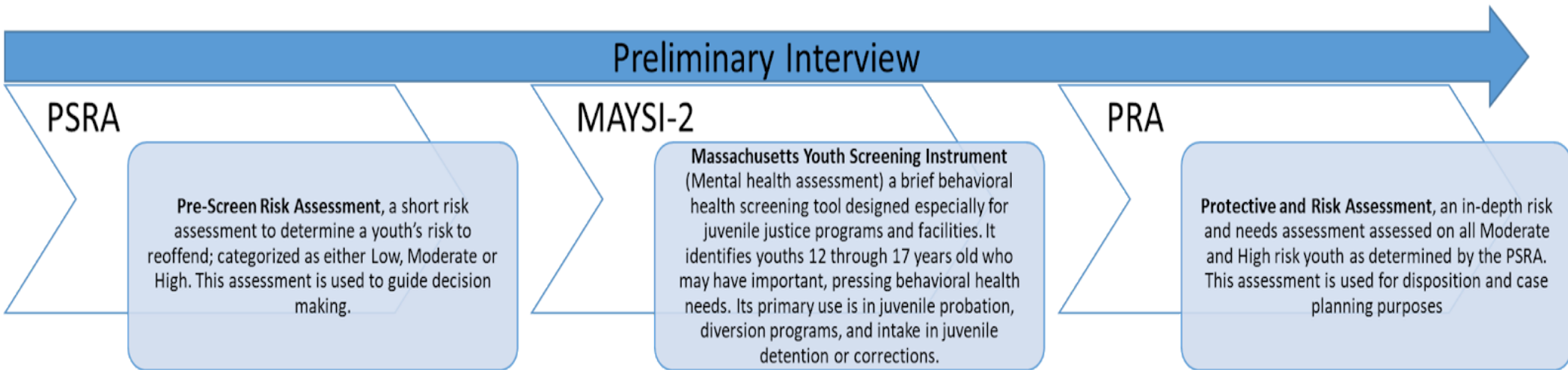
The following guide outlines the Court's process for a nonjudicial adjustment as outlined in Utah statute 78A-6-602.

What is a Nonjudicial Adjustment?

A Nonjudicial Adjustment is a pre-court diversion in which a youth signs an agreement with probation to complete requirements in lieu of the offense being petitioned to the court.

What to expect when meeting with a Probation Officer?

Prior to a decision being made on whether a youth may receive a nonjudicial adjustment, the assigned probation officer schedules a meeting with the youth and family. This meeting is known as a **Preliminary Interview**, which includes the following assessments:



How does a youth qualify for a Nonjudicial Adjustment?

Probation officers offer the youth nonjudicial adjustment based on screening tool results (PSRA) and statute. A youth qualifies for a nonjudicial adjustment if all of the following applies. A youth:

- Is referred to the Court for a misdemeanor, infraction or status offense [78A-6-602(7)(a)(i)],
- Has no more than two prior adjudications [78A-6-602(7)(a)(ii)], and
- Has no more than three prior unsuccessful nonjudicial attempts [78A-6-602(7)(a)(iii)].

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What are the reasons a youth may not receive a Nonjudicial Adjustment?

A nonjudicial adjustment may not be offered if a youth falls under the following criteria:

- If the youth declines to participate in a nonjudicial adjustment [78A-6-602(11)]
- If the offense is a certain class A misdemeanor as defined by statute [78A-6-602(6)(a)(ii), or
- If the offense is a felony offense as defined by statute [78A-6-602(6)(a)(i)]
- Probation may ask that the offense(s) be reviewed by a prosecutor if the youth scores as moderate risk (on the PSRA) for certain class A misdemeanors [78A-6-602(5)(a)(ii)(B)]
- Probation may ask that the offense(s) be reviewed by a prosecutor if the youth scores as high risk (on the PSRA) [78A-6-602 (5)(a)(ii)(A)]

Does a youth's age make a difference?

A youth may not be referred for truancy unless he/she is in grade 7 or above AND 12 years or older. No youth can be referred for truancy or an offense alleged to have occurred on school property that is a class C misdemeanor or lower unless the youth has refused to participate in an evidence-based alternative intervention offered by the school and failed to participate in prevention and early intervention youth services provided by the Division of Juvenile Justice Services. [53G-8-211]

If the court receives a referral for an offense that occurred before a youth was 12 years old, probation must offer a nonjudicial adjustment unless the offense is a felony listed in Subsection 78A-6-602(6)(c).

What is the process for a Nonjudicial Adjustment?

Probation officers determine nonjudicial adjustment responses and interventions based on the youth's age, statutory requirements, and screening tool results (PSRA, MAYSI-2, and PRA). Probation officers oversee the youth's fulfillment of nonjudicial adjustment requirements in partnership with the youth. The intensity of interventions and frequency of contacts is determined by a youth's assessed risk level (on the PSRA). Probation Officers identify responses and interventions that address a youth criminogenic needs (identified by the PRA and MAYSI-2) and connect youth to evidence-based interventions and services. Probation officers reinforce the skills the youth is learning through effective case management principles such as coaching, modeling, and positive reinforcement.

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What is included in a Nonjudicial Adjustment?

A youth who receives a Nonjudicial Adjustment has access to the same interventions and services as youth who are petitioned to Court and placed on Intake/Formal Probation. These interventions include psychological and other evaluations, cognitive-behavioral interventions, in-home family services, and a variety of treatment options.

A Nonjudicial Adjustment may include the following:

- Community service hours or fine, not to exceed \$250, based upon a sliding scale assessment
- Payment of victim restitution for material loss which may include uninsured property loss, out of pocket monetary loss, lost wages, and/or medical expenses.
- Participation in Victim-Offender Mediation
- Referral to an appropriate provider for screening, assessment, counseling, treatment and/or intervention
- Participation in substance use disorder programs, interventions, or counseling.
- Participation in probation meetings at the request of the Probation Officer
- Compliance with specified restrictions on activities and associations
- Compliance with attendance, an education plan or alternative school program
- Participation in the juvenile court Truancy Mediation
- Participate in an intervention based on a youth's risk factors
- Other reasonable actions in the interest of the youth, community and/or victim

Youth Who Have Offended Sexually and are Under the Age of 12

- Any of the responses or interventions listed above
- Sex-specific screening or evaluation
- Participation in sex-specific interventions or counseling
- Compliance with a safety plan
- Participation in Youth Services programs