

## Disposition Options

**Note:** A CFTM is held at least 45 days before the presumptive custody/supervision six (6) month period end date.

Court Disposition	Presumptive Custody/Supervision Period	Possible Extension Custody/Supervision Period	Requirements for Extension
<b>Judicial Diversion</b>	Six (6) Month Maximum	Six (6) Month Maximum	<p><b>A court finding that:</b></p> <ol style="list-style-type: none"> <li>1) It is in the child’s best interest that condition(s) of diversion remain in effect; and</li> <li>2) Specifies the condition(s) to remain in effect and why continuing the condition(s) is in the child’s best interest;</li> <li>3) Any party wishing to extend the diversion requests the extension from the court, before the initial six (6) month period expires, and that notice and a hearing be provided to the youth.</li> </ol> <p><b>Note:</b> Beginning July 2019 conditions of Judicial Diversion must be consistent with a validated risk and needs assessment.</p>

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<p><b>Probation</b></p>	<p>Six (6) Month Maximum</p>	<p>Indefinite Six (6) Month Maximum increments</p>	<p><b>A court finding that:</b></p> <ol style="list-style-type: none"> <li>1) It is in the child’s best interest that conditions(s) of probation remain in effect;</li> <li>2) Specifies the condition(s) to remain in effect and why continuing the condition(s) is in the child’s best interest;</li> <li>3) Any party wishing to extend the probation requests the extension from the court, before the initial six (6) month period expires; and 4) Notice and a hearing be provided to the youth.</li> </ol> <p><b>Note:</b> Beginning July 2019 conditions of Probation must be consistent with a validated risk and needs assessment.</p>
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**Disposition Options**

<p><b>DCS Custody</b> Felony adjudication or prior adjudication</p>	<p align="center">Six (6) Month Maximum (excluding time absent from placement)</p>	<p align="center">Indefinite</p>	<ol style="list-style-type: none"> <li>1) Treatment and rehabilitation require the child remain in custody to complete an evidenced-based program in a custodial setting addressing a treatment need identified by the previously administered validated risk and needs assessment; OR</li> <li>2) The child is alleged to have committed a new delinquent act; OR</li> <li>3) The child is alleged to be an escapee from a secure juvenile facility or institution.</li> </ol> <p><b>Exception:</b></p> <ol style="list-style-type: none"> <li>1) If the youth was adjudicated delinquent for first degree murder, second degree murder, or voluntary manslaughter, they must remain in DCS custody for at least one (1) year.</li> <li>2) If the youth is adjudicated delinquent for criminally negligent homicide or reckless homicide, they must remain in DCS custody for at least one (1) year unless the court finds there is good cause not to.</li> <li>3) Commitment to DCS custody is not required for these last two offenses.</li> </ol>
<p><b>DCS Custody</b> Imminent danger to the child’s health or safety and needs treatment or services only available if in DCS custody</p>	<p align="center">Six (6) Month Maximum</p>	<p align="center">Six (6) Month Maximum</p>	<p><b>Hearing or stipulation:</b></p> <ol style="list-style-type: none"> <li>1) Child needs treatment or services only available if child is in DCS custody; AND</li> <li>2) Treatment or services are evidence-based and will be provided by a qualified provider.</li> </ol>

**Disposition Options**

<p><b>DCS Custody</b> Violation of Probation AND imminent risk of danger to the child's</p>	<p>Six (6) Month Maximum</p>	<p>Six (6) Month Maximum</p>	<p><b>Hearing or stipulation:</b> 1) Child needs treatment or services only available if child is in DCS custody; AND</p>
<p>health or safety and needs treatment or services only available if in DCS custody</p>			<p>2) Treatment or services are evidence-based and are provided by a qualified provider.</p> <p><b>Exception:</b> Delinquent child may be placed in DCS custody for Violation of Probation <b>ONLY</b> if:</p> <ol style="list-style-type: none"> <li>1) Separately adjudicated Dependent &amp; Neglected;</li> <li>2) Separately adjudicated delinquent for an offense that qualifies for DCS custody; OR</li> <li>3) Court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety AND needs specific treatment or services only available if placed in DCS custody.</li> </ol>

**Disposition Options**

<p><b>DCS Custody</b> Violation home placement supervision AND imminent risk of danger to the child’s health or safety and needs treatment or services only available if in DCS custody</p>	<p align="center">Six (6) Month Maximum</p>	<p align="center">Six (6) Month Maximum</p>	<p><b>Hearing or stipulation:</b></p> <ol style="list-style-type: none"> <li>1) Child needs treatment or services only available if child is in DCS custody; AND</li> <li>2) Treatment or services are evidence-based and are provided by a qualified provider.</li> </ol> <p><b>Exception:</b> Delinquent child may be placed in DCS custody for violation of home placement supervision <b>ONLY</b> if:</p> <ol style="list-style-type: none"> <li>1) Child is adjudicated delinquent for a new offense eligible for commitment to DCS custody; OR</li> <li>2) Clear and convincing evidence exists that the child is in imminent risk of danger to the child’s health or safety and needs specific treatment or services only available if placed in DCS custody.</li> </ol>
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**Exception:** On rare occasions, a court may require a region to accept a **Pre-trial Diversion** case. When this occurs, the Juvenile Service Worker (JSW)/TL consults the regional legal counsel and adheres to the following extension requirements:

**Presumptive Period:** Six (6) Months Maximum

**Possible Extension Period:** Six (6) Months Maximum

**Requirements for Extension:**

1. Application by a party to the proceedings
2. Application must be made prior to the expiration of the original six (6) month period
3. Notice and a hearing required