

JUVENILE DIVERSION ACT (EXCERPT)
Act 13 of 1988

***** 722.823.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2024 *****

722.823.amended Powers of law enforcement official or court intake worker where petition not filed or authorized; diversion of minor; exception specified juvenile violation; use of risk screening or mental health screening tools; guidelines.

Sec. 3. (1) If in the course of investigating an alleged offense by a minor a petition has not been filed with the court, or if a petition has not been authorized, a law enforcement official or court intake worker may do 1 of the following:

(a) Release the minor into the custody of the minor's parent, guardian, or custodian and discontinue the investigation.

(b) Subject to subsections (4) and (5), divert the matter by making an agreement under section 5 with the minor and the minor's parent, guardian, or custodian to refer the minor to a person or public or private organization or agency that will assist the minor and the minor's family in resolving the problem that initiated the investigation. Restitution must not be considered when deciding if the minor may be diverted under this subdivision.

(c) File a petition with the court or authorize a petition that has been filed.

(2) A minor may be diverted only as provided in subsection (1)(a) or (b) and subsection (3).

(3) A minor accused or charged with a specified juvenile violation must not be diverted.

(4) Except as otherwise provided in this subsection, before a diversion decision is made for a minor, a risk screening tool and a mental health screening tool may be conducted on the minor. A risk screening tool and a mental health screening tool may not be conducted on a minor who meets any of the following criteria:

(a) Is accused or charged with a specified juvenile violation.

(b) Is currently under supervision in the juvenile justice system by the court or the department of health and human services.

(5) A minor must not be diverted under subsection (1)(b) unless both of the following requirements are met:

(a) The law enforcement official or court intake worker receives the results of a risk screening tool and a mental health screening tool for the minor conducted by a designated individual or agency that is trained in those screening tools.

(b) The law enforcement official or court intake worker uses the results of the risk screening tool and the mental health screening tool, and the best interests of public safety and the minor, to inform the decision to divert the minor.

(6) A risk screening tool and a mental health screening tool described in subsections (4) and (5) must meet both of the following requirements:

(a) Be research based and nationally validated for use with minors.

(b) Comply with the guidelines created under subsection (7).

(7) The state court administrative office, under the supervision and direction of the supreme court, shall create guidelines on the use of risk screening tools and mental health screening tools described in subsections (4) and (5).

History: 1988, Act 13, Eff. Apr. 1, 1988;—Am. 2023, Act 287, Eff. Oct. 1, 2024.