

# ADA Decision Making Flowchart for Misdemeanor Delinquency Cases

## Misdemeanor Referrals

### Are there...?

- ✓ No prior delinquency referrals OR
- ✓ 1 prior Misdemeanor referral OR
- ✓ Prior delinquency referrals 1+ years ago OR
- ✓ Prior misdemeanor referrals but re-arrests occurred before youth was enrolled in services
- ❖ Do not count number of prior FINS referrals (informal or formal ) when considering delinquency history
- ❖ Unsuccessful FINS referrals and current FINS status is not a disqualifier from diversion

Yes



No: All other misd. referrals



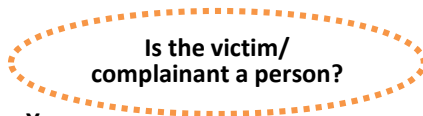
### Do any of the following apply?

- ✓ Charge includes handgun possession
- ✓ Serious bodily injury occurred
- ✓ Dangerous weapon on school grounds

Yes



No



Yes

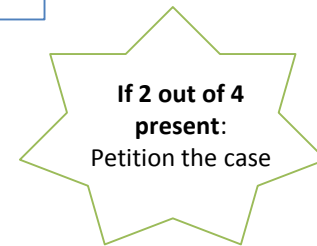


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**If 2 out of 4 are present, petition may be considered:**

- ✓ Behavior is escalating in severity
- ✓ Behavior is predatory \*
- ✓ Repeated delinquency in short period of time after services were in place \*\*
- ✓ Youth has been non-responsive to past diversion attempts



No



Yes



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No



\* Behavior is predatory: Targeting individuals with disabilities, very young children, or otherwise especially vulnerable victims

\*\* Repeated delinquency in short period of time after services were in place- only applies if services have been in place long enough for them to take effect.

# ADA Decision Making Flowchart for **Felony** Delinquency Cases

## Felony Referrals

### Does the following apply?

- ✓ Most serious current charge is a felony that is not a Crime of Violence, with no prior delinquency referrals OR
- ✓ Non-violent felony, any prior misdemeanor referrals 1+ years ago\*
- ❖ Do not count number of prior FINS referrals when considering delinquency history (informal or formal)
- ❖ Unsuccessful FINS referrals are not automatic disqualifiers from diversion

Yes



Divert the case

No



### Do any of the following apply?

- ✓ Red file case
- ✓ Crimes of violence, *except*:
  - Purse snatch
  - Simple robbery
  - Sexual battery

Yes



Petition the case

No



Is the victim/  
complainant a person?

No



Are services in place?

No



Divert the case

Yes



OR



Refer to Diversion to evaluate for services or Restorative Justice options

File petition with agreement from all parties to complete a restorative conference as part of an IAA

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### If 2 out of 4 are present, petition may be considered:

- ✓ Behavior is escalating in severity
- ✓ Behavior is predatory \*\*
- ✓ Repeated delinquency in short period of time after services were in place \*\*\*
- ✓ Youth has been non-responsive to past diversion attempts

Yes



OR



Refer to Diversion to re-evaluate service plan

If 2 out of 4 present:  
Petition the case



\* Unless prior misdemeanors include weapons offenses or aggravated assault

\*\* Behavior is predatory: Targeting individuals with disabilities, very young children, or otherwise especially vulnerable victims

\*\*\* Repeated delinquency in short period of time after services were in place- only applies if services have been in place long enough for them to take effect.