

PROGRAM INFORMATION

The **Magistrates Court Diversion Program** is available to defendants appearing in the Adelaide Magistrates Court, Berri Magistrates Court, Christies Beach Magistrates Court, Elizabeth Magistrates Court, Holden Hill Magistrates Court, Port Adelaide Magistrates Court, Whyalla Magistrates Court and Port Augusta Magistrates Court.

WHO CAN PARTICIPATE

- People with impaired intellectual or mental functioning as a result of:
a mental illness;
an intellectual disability;
a personality disorder;
an acquired brain injury; or
neurological disorder including dementia, may be considered for the program; and
- Those individuals who have been charged with certain summary and minor indictable offences.

(Regulatory offences are not included in the Magistrates Court Diversion Program.)

WHAT DO WE DO

The Program will provide an opportunity for eligible individuals to address their mental health or other disability issues while any legal proceedings are suspended. Those accepted into the Program will be assisted by Program staff to access relevant services.

In order to determine whether an individual is suitable for the Program they must first undergo an assessment interview by a Clinical Advisor. Participation in the Program is at all times **voluntary** and any assessment will only occur after the potential participant or their legal guardian has given written consent.

THE ASSESSMENT

The assessment will aim to determine whether a person is suffering from a condition that meets the Magistrates Court Diversion Program criteria and whether the Program is able to meet the identified needs of the potential participant. Part of the assessment may also involve the gathering of information from relevant agencies or individual treatment providers about any past or current involvement with that person. While this information gathering would only occur with the written consent of the person being assessed, or of their legal guardian, it would be considered in most instances necessary in order to ensure that participant's needs are appropriately addressed.

Other issues such as the nature of the offending will also be taken into consideration with regard to an individual's suitability for participation.

THE COURT DIVERSION PROCESS

Once an individual is assessed as eligible by the Clinical Advisor, the matter will appear before the Magistrate who has been allocated to the Program. The Magistrate will, on the basis of information

provided to the Court, decide whether to adjourn the case in order for the individual to participate in the Program.

If an individual is found to be ineligible for the Program, they will continue with the normal court process and have their charges dealt with in the usual way.

If the Program is deemed suitable by the Magistrate, an individual's case will be temporarily removed from the normal process for a set period of time. During this time, with the assistance of the Program staff, the person will be encouraged to access those services that either have been useful in the past or have been identified at the time of assessment to be of potential use with respect to their situation and needs.

THE REVIEW AND FINAL OUTCOME

A series of court reviews will be in place, which the client will be required to attend unless excused by the Magistrate. A final date will be given for the individual to return to the court for Finalisation of the matters. The Court will then take into account the efforts made by the individual while participating in the Program and attempts made to address any offending behaviour.

If progress is deemed unsatisfactory, or the participant has continued to offend, their case may be returned to the normal court process.