

**IN THE ATHENS COUNTY MUNICIPAL COURT
ATHENS OHIO**

Selective Intervention Diversion Program Contract

I, _____, am a first time offender charged with a non-violent misdemeanor offense. I ask to enter the Court's Selective Intervention Violation Diversion Program. By following this agreement and order, I receive the following benefits: (a) Upon successful completion of the program, my complaint will be dismissed. (b) In most situations, the Court will seal the official record of my case in accordance with Ohio Revised Code Section 2953.51-61 of the ORC. (c) I have the opportunity to give something back to the community as well as further my education. Accordingly, I agree to the following program requirements:

1. DIVERSION PROGRAM INDIVIDUALIZED EXPECTATIONS: I will be expected to meet goals established by the Diversion Coordinator and the Court. These goals may include:

_____/_____ Payment of restitution in the amount of _____

_____/_____ Completion of an educational instruction program specified by the court. I must complete the _____

Program offered by _____

_____/_____ Obtain a GED or High School Diploma or make specified progress toward that goal.
Specific goal: _____

_____/_____ Obtain and/or maintain employment.

_____/_____ Additional community service hours (if required) or other goals:

_____/_____ Comply with terms described here:

Required goals are indicated by filling in participant and coordinator initials above. For example: JBH/KE

2. COMMUNITY SERVICE WORK: I will complete eight (8) hours of supervised community service in an activity approved by the Court. These hours do **not** include any I may have done previously and may **not** be completed for another agency or requirement.

- Contact Dr. Kate Enger to schedule your community service. E-mail is best. Do not approach not-for-profits on your own for this program!
- Participants may be screened for alcohol and drug use. A positive screen will mean failure to complete the diversion program successfully. **Stay clean and sober, even if you are over 21.**

- You must arrange your own transportation to a designated meeting place. In many cases, the court will provide transportation to the community service site, but you will still be required to get yourself to the City Building. Be sure to arrive on time. We will **not** wait for late arrivals.
- Participation will be supervised. Unless you are on a scheduled break as designated by the Diversion Coordinator or supervisors, you must be **actively engaged in the service project**. Failure to actively engage in the full day's work would be a failure to complete the terms of your program.
- There will be a lunch break. Please bring your own lunch and non-alcoholic drink, and stay within sight of the program coordinators or supervisors.

3. **DIVERSION PROGRAM FEE:** *I will pay the \$195 **non-refundable** program fee and court costs of \$155 within ninety (90) days of the date of this contract. I will not wait for another bill to arrive before paying.*

- The total amount of \$350 can be paid by money order, personal check from an established account, credit card in your name, or check. We do **not** take online payments or payments over the phone. **Do not mail cash.** You can bring the money to pay your fees to the court 8am-4pm on business days or mail a money order/check from an established account (**not** a starter check for a new account) to:

Athens County Municipal Court
8 E. Washington St.
Athens, OH 45701

- Make checks or money orders out to Athens County Municipal Court or ACMC.
- The fee and costs may be paid in more than one installment; though, it is preferred it is paid in one. If installments are necessary, it is preferable that there is a maximum of only two payments.
- If you have questions about your costs, please call the court and speak to the clerks at (740)592-3328. You can also check the online docket (there is a link to the docket at the bottom of each page of this packet). Your case cannot be sealed until all fees, fines, and costs are paid.
- Any required classes have nothing to do with the court and so, regardless of what you paid for them, the fee and costs you owe the court will be \$350.
- If you had extra fees for a public defender, warrant, or other issues, you may owe more than \$350. If you have questions about fees, please discuss them with the clerks at the window in the Municipal Court. Your record cannot be sealed until **all fees and fines are paid**.

4. **PERIOD OF GOOD BEHAVIOR:** *I agree not to violate any laws while I am participating in the Diversion program. I agree to be a law-abiding citizen, and to not use or possess drugs of abuse, for at least ninety (90) days from the signing of this contract. I understand that if I am charged with any criminal offense and/or substance abuse related traffic offense or if I possess/ consume drugs of abuse while participating in the program, I will be removed from the diversion program and prosecuted as prescribed by law for both the present and new charge. I also agree to stay in contact with the diversion coordinator as described below.*

- You are expected to plan ahead and to e-mail or call when you have questions. “I didn’t know I had to do that or “I didn’t understand what to do” will **not** be accepted as excuses for failure to complete the program.
- You must provide **two** different working phone numbers at which you can be reached, or a working e-mail address and a working phone number.
- **If your phone number or address changes, contact the Diversion Coordinator and update your contact information.**

Contact the Diversion Coordinator by **at least** these three dates to show progress:

- _____ -- Email Kate to request a list of community service dates, also tell her which class you’re registered for if you are required to take a class
- _____ -- Make progress on personal goals, email Kate updates
- _____ -- Make progress on personal goals, email Kate updates

My failure to complete all four components of the program by _____, 2018 will result in having to appear before the judge on _____, 2018 @ 2:10 pm. If I am terminated from the program, the Court will accept my previously held plea(s) of guilty and will proceed to sentencing.

*When you have questions you are encouraged to e-mail at other times, too. *E-mail is the best way to reach me.*

Kate Enger kenger@ci.athens.oh.us (740)566-421 Fax (740)592-3331

Mailing address:
Athens County Municipal Court
8 E. Washington Street
Athens, OH 45701

- **E-mail is the best way to stay in contact.** If you call, be sure to leave a clear message with your **full name** and a **phone number at which you can be reached**. Make sure your voice mail is set up, working, and not full.

General Notes about the Diversion Program:

- If I satisfactorily complete the diversion program, the Court shall, upon payment of the costs, dismiss the complaint and, in most cases, order the record in the case sealed under Ohio Revised Code Section 2953.51-61. If you have specific questions about sealing, please consult an attorney.
- Unless you are hospitalized or otherwise incapacitated, you have a documented communication disability, or English is not your first language, **do not have your parents or other interested parties contact the court with questions.** It is **your** responsibility to see this through.
- Proof of completion of the program's requirements may be mailed, emailed, faxed, or turned in at the clerk's window of Municipal Court. The fee and costs must be mailed or paid in person.
- You can go to the city's website listed on the bottom of each page of this document and do a docket search yourself to see the record of your case. There is a 24-hour lag between entry and reflection of that entry on the website.
- If you have provided the Court with payment and proof of completion of the other diversion requirements, you do **not** have to appear on your scheduled court date.

**ATHENS COUNTY MUNICIPAL COURT
DIVERSION PROGRAM CONSENT AND WAIVER FORM**

FIRST TIME OFFENDER. I hereby certify that I have **not** been previously convicted and/or charged for any criminal offense or substance abuse related traffic offense, there are **no** active warrants issued for my arrest, and that I have **not** previously participated in any kind of diversion program.

- I understand that neither law enforcement nor the court is responsible for my charge.
- I understand that choosing to participate in this program means I am waiving my right to a speedy trial.
- I also understand that **I must communicate with the Diversion Coordinator and the court directly, not through parents or other interested parties** (unless I have a diagnosed communication disability or English is not my first language).

I agree to satisfactorily complete all four components of the Selective Intervention Diversion Program as outlined.

1. Providing proof of completion of individualized goals listed in my packet.
2. Payment of required fees total \$350 + any other assigned fees for warrants, waivers, etc.
3. Active involvement of an eight (8) hour community service project assigned by the court. Passing a screening for alcohol and drug use, even if I am over 21.
4. Good behavior and communication with the Diversion Coordinator for at least ninety (90) days.

I agree to satisfactorily complete **all four** components of the Diversion Program as outlined in this packet.

I will contact the Diversion Coordinator on **at least** these three dates to show progress:

My failure to complete all four components of the program by _____, 2018 will result in having to appear before the judge on _____, 2018 @ 2:10 pm. If I am terminated from the program, the Court will accept my previously held plea(s) of Guilty and will proceed to Sentencing.

I, the undersigned, understand and agree that I am not an employee of the Athens County Municipal Court, nor am I subject to Worker’s Compensation laws or unemployment laws of the State of Ohio. I agree and acknowledge that the labor which I will provide is free and given voluntarily as a term of the Diversion Program. I further understand and agree that I am not to receive wages, salary, or compensation. The Court will not withhold or report my volunteer labor as subject to the Internal Revenue Code for labor to be provided to and for the Athens County Municipal Court.

By participating in this program, I hereby release the Judge, prosecutors, law director’s office, Court Administrator, Clerk of Court, Supervising Officer or any other City, County, State, Village, and non-profit organizations from any and all liability which might arise during the transportation and/or participation in the program. I understand that I will not be participating in any hazardous tasks, but will be performing various duties under the direction of a government employee, or an employee of a public non-profit organization.

PRINT your **FULL** address. Without a full address, paperwork pertaining to this case may not reach you.

▾ _____
Printed Name with middle initial

▾ _____
Address

▾ _____
City, State, Zip Code

▾ _____
Phone Number Can we leave messages at this number? Yes No

▾ _____
Email address

▾ _____
Alternate Phone Number Can we leave messages at this number? Yes No

<http://eservices.ci.athens.oh.us/eservices> (Go to this link to do your own docket check)

