

DIVERSION FACT SHEET

BASIC FACTS

- The majority of first time DUII offenders have the opportunity to avoid conviction and enter diversion.
- The person must plead guilty to enter diversion however, the proceeding is stayed and a conviction is not entered if the person successfully completes the agreed to terms and conditions of diversion.
- Once in diversion the person is evaluated by an Alcohol and Drug Evaluation Screening Specialist (ADES) and placed into a treatment center. The ADES will recommend that the person either goes through an information only program or a diversion treatment program based on their needs.
- Successful Completion: If the terms and conditions of the diversion agreement are fulfilled and one year has passed from the date of entry into diversion, the DUII charge may be dismissed with prejudice when:
 - The person petitions the court for an order to dismiss the charges OR
 - If the person does not seek an order of dismissal, the court within 6 months of the end of the diversion period can dismiss the DUII charge if the court determines all conditions were met.
- Termination of Diversion:
 - Any time prior to the dismissal of the DUII charge, the court or the district attorney can file a motion requiring the person to appear and to show cause why the court should not terminate diversion
 - The order to show cause must state the reason for the proposed termination of diversion
 - The court can terminate diversion and enter a guilty plea if:
 1. The person fails to fulfill the terms of the agreement OR
 2. The person does not qualify for diversion

LENGTH OF DIVERSION

- 1 year from the date of entry of diversion (not arrest)
- Extension:
 - A person can request that the court extend the period of diversion for 6 months from the ending date of the original diversion agreement
 - The person must file their motion for extension within 30 days prior to the end of the diversion agreement
 - The extension may be granted if the court finds that the person made a good faith effort to complete the terms of the diversion agreement AND that the person can complete the terms within the period of extension.
 - There can only be one extension granted

MONETARY OBLIGATIONS

Statutory Fees

- Filing Fee: \$386
(court may waive all or part)
 - Victim Impact Panel: \$50
 - Treatment Assessment Fee (ADES): \$150
 - Court Appointed Attorney Fees (if applicable/**court can waive**): \$250 (approx.)
- \$836 Total**
- Or**
- \$200 (waivers)**

Treatment Fees

AVERAGE TREATMENT COSTS (without reduction)*

- Referred for Information Only:
 - Intake Assessment Fee \$90
(can be waived)
 - 8 Week Session (\$40/session, 1 per week) \$320
 - 1 Urinalysis (UA statutorily required) \$25
 - Review Session \$0

\$435 Total
- Referred for Treatment:
 - Complete 'Information Only Package' **PLUS:** \$435 (see above)
 - 10 Week Addl. Session (\$40/session, 1 per week) \$400
 - 3 Urinalysis (UA statutorily required) \$75
 - Review sessions for required reporting \$120

\$1030 Total

REDUCED COST OPTIONS

- Approximately half of above totals*
- Some locations charge only \$10 a session and waive most other fees
- Some locations have state funded slot dollars to cover treatment costs
- Most locations have reduced cost and sliding scale fees depending on income, i.e.:
 - CODA
 - Northwest Treatment
 - DePaul Treatment Centers
 - Cascadia
 - Treatment Services NW (if on food stamps very minimal cost)
- Some insurance plans and the Oregon Health Plan covers treatment costs

***Prices for Acadia NW (Portland Metro Area) – source Roger Kirby, owner**