

7th Circuit Solicitor's Diversion Programs

Dear Parents:

These questions were written to provide information to parents who have children currently involved in the criminal justice system. Confidentiality laws prohibit us from discussing specific cases, but the information provided below answers our most frequently asked questions about our diversion programs, which include Pre-Trial Intervention (PTI), Alcohol Education Program, (AEP), and the Traffic Education Program (TEP).

Why can't I help my son/daughter with this process? They don't know how to handle things like this.

It's important for you to understand that these are not juvenile programs. All participants in PTI, AEP, and TEP have been charged as adults. Therefore, it is extremely important for the participant to take responsibility for the choices that put him/her in this situation. You are actually helping your child the most by allowing him/her to experience the safe but uncomfortable and often difficult consequences of his/her poor choices. All requirements of the program are provided to participants in writing. Also, every appointment for which your son or daughter is scheduled is given to him/her in writing, usually at least one week prior to the appointment. Encourage your child to share those documents with you so that you can remind him/her of appointment dates and deadlines, as well as assist with arranging transportation, if needed.

How does the application process work?

We handle two levels of criminal charges in our PTI program. The first level is misdemeanor offenses. The second is general sessions (more serious) charges. We do walk in applications Monday –Thursday from 8:30am- 3:30pm in the Spartanburg Office and on Tuesday and Thursday from 9am-3pm in the Cherokee Office. All applicants are required to bring 5 things in order to apply. They are:

1. A recent picture ID
2. A \$100.00 money order or cashier's check for PTI, \$250.00 for AEP, and (2) \$140.00 money orders for TEP.
3. A Social security card or certified print out from your local social security office.
4. Copy of the ticket (s) or warrant (s)
5. Referral form from court (Magistrate and Municipal Courts)

The application process will take approximately 30 minutes. Walk-ins are on a first come, first served basis. During this time the office will collect personal background information and perform a SLED check. The conditions and fees of the program will be discussed and a copy will be provided to the participant. We accept certain General Sessions charges on a walk in basis, but most charges must be referred by the Solicitor's Office.

When will we know if our son or daughter will be accepted into the programs?

On average, it takes between four and six weeks to get a case accepted into the PTI program. However, that time can vary depending on several factors, including the number of charges, the number of victims and whether or not there is any restitution that will be owed. After we receive the officers and victim's recommendation forms, the file is sent to the solicitor's office for approval. The PTI office doesn't determine acceptance.

For both, AEP and TEP programs, your child will know at the time of application.

Does my child still need to attend their court date (s)?

Only for PTI, the case is pending until the participant is accepted into the program. They will need to take their application and show the courts they have applied. Once they are accepted the PTI office will notify the courts. Both AEP and TEP clients will attend court first before applying.

Why would my child’s case be rejected and what happens next?

The solicitor’s office determines its decision based on state requirements; officer and victim recommendations, criminal history, prior PTI, AEP, TEP, and the facts of the case. If a case is rejected the participant is notified and they are responsible for contacting the courts. If they fail to do so a bench warrant could be issued for their arrest.

My child didn’t actually do anything wrong. They were just with the wrong crowd.

We do understand that some participants may be criminally charged for the poor choices made by their friends. However, participants need to understand that they are responsible for their choice of friends and activities, and we encourage them to develop an understanding of how those choices affect them and their families.

I don’t know what these programs are supposed to do. How do they work?

According to South Carolina law, the Circuit Solicitor can allow certain criminal offenders the opportunity to participate in diversion programs. Successful completion of one of our diversion programs results in a “non-conviction” status for your child, meaning that their charge(s) is dismissed and they do not have to go to court or have a trial. Each participant will receive a list of requirements and deadlines from the assigned counselor. Each requirement is designed to increase knowledge, enforce consequences and teach skills that participants can use to avoid future difficulties with the law.

What is the cost of these programs? All fees are non-refundable!

	Pre- Trial Intervention	Alcohol Education	Traffic Education
Application	\$100.00	-----	-----
Participation	\$250.00	\$250.00	\$280.00
Education/Counseling	Varies per charge	\$100.00	\$35-45.00
Drug Screens	\$25.00-50.00	\$25.00-50.00 (if needed)	\$25.00-50.00(if needed)
Expungement (optional)	\$250.00	\$250.00	\$250.00
Expungement Filing	\$35.00	\$35.00	\$35.00

I can’t afford to pay all of these fees. Who can I talk to about setting up a payment plan?

We strongly recommend that the financial burden of our diversion programs fall on the participant, not his or her parents. The participant is the one who made the choices that led to his/her arrest; therefore the participant is responsible for all program fees and payment arrangements. Often, participants are more motivated to obtain employment if they know that their parents will not be paying the fees for them. When we see that the participant is employed and actively involved in paying the cost of the program, we will work with your child and his specific financial situation. We notified the participant of all fee time frames during the application process.

What happens when they have completed all of the program requirements?

Once all program requirements are completed, the counselor will submit the case for a final background check to ensure that the participant has no new criminal violations. If the record does not reflect additional arrests, the case will be closed as a successful completion. A letter will be sent to the participant informing him/her that the charges have been dismissed and instructing him/her how to apply for an expungement. Charges dismissed through PTI, AEP, and TEP are not automatically removed from your child’s arrest record and will continue to show as a dismissed charge indefinitely unless the defendant applies and pays for an expungement at the Pre-Trial Office. Fees are governed by the South Carolina state legislature. Information regarding the fees will be given at the time of application for expungement. The expungement process takes about 10 to 12 weeks to complete. Participation in Pre-Trial Intervention, Alcohol Education and Traffic Education are privileges. They are not a legal right. The Seventh Circuit Solicitor, Barry J. Barnette, and his staff hope that all program participants take full advantage of the opportunities provided. Successful completion of a diversion program can greatly improve your child’s chance for a life free from the burden of a criminal record.