

RHODE ISLAND SUPERIOR COURT

DIVERSION

REFERRALS

- Any party may refer qualified individuals for participation in the Diversion Program by submitting a referral form to diversionreferrals@courts.ri.gov.
- The form can be found on the Rhode Island Judiciary Superior Court home page or by clicking on the following hyperlink: [Diversion Program Referral Form](#).
- Once the application is received, Diversion staff will review all referrals for legal eligibility as defined in § 8-2-39.3 of the Rhode Island General Laws.
- For those individuals deemed legally eligible for participation in the program, applicants and counsel will be contacted to schedule an intake interview with the Attorney General's Office Diversion Unit.
- If it is determined that the individual does not statutorily qualify for participation in the program, the applicant and counsel will be notified and the case will be returned to the Attorney General's Office for felony screening or the Superior Court calendar from which it was referred.
- Should counsel have questions concerning the eligibility determination, they should contact the Director, Helio Melo, at diversionreferrals@courts.ri.gov.
- If an applicant has previously been referred and rejected from the program based upon their failure to respond, counsel must obtain Court approval before making a re-referral.

INTERVIEW

- The intake interviews will be conducted by members of the Attorney General's Office Diversion Unit. These interviews are conducted via telephone.
- Once the interview is completed, an intake package will be sent to the Court for review. The matter will then be assigned for an Eligibility Hearing with the Court.
- If after an interview it is determined that the individual is eligible but the Department of Attorney General objects to their participation, the matter will be scheduled for an Eligibility Hearing at which time the Court will make the ultimate decision.
- If an individual fails to complete the required interview, the matter will also be assigned to an Eligibility Hearing with the Court at which time the individual's continued consideration will be determined by the Court.

ELIGIBILITY HEARING

- Individuals and counsel must attend the Eligibility Hearing.
- After conference at the Eligibility Hearing, if an individual is to be accepted into the Diversion Program, the Court will make the final determination of the conditions of their participation.
- The Diversion Program Agreement and Release of Confidential Information can be found under the Superior Court Forms tab on the Rhode Island Judiciary website or by accessing the following hyperlink: [Diversion Program Participant Agreement](#) and [Diversion Program Release of Confidential Information](#).
- Once accepted into the Diversion Program, each individual will be referred to a Case Manager.

PROGRESS REVIEW HEARINGS

- The Court will assign cases for a Progress Review Hearing 90 days following the entry of the Agreement.
- If the participant is compliant, Diversion staff will notify the participant and counsel that they need not appear for the Progress Review Hearing. For these individuals, another Progress Review Hearing will be scheduled for a future date, typically 90 days.
- If Diversion staff believe a participant is failing to comply with their conditions, both the participant and counsel will be expected to appear for this scheduled date at the assigned time.
- If necessary, the Progress Review Hearing date may be advanced on the calendar with notice to the participant and counsel.

GRADUATION

- Participants are required to remain in the program for a period of 6-12 months as determined by the court.
- Once the participant has successfully completed the program requirements, they will be scheduled for a graduation date.
- Participants will not be required to attend the final court date but will instead be notified by the Diversion staff that they have been successfully discharged from the program.

This protocol will take effect immediately and shall remain in effect until rescinded by the Court.

/s/

Amanda L. Valentino

Magistrate

Dated: February 25, 2025