

Waiver of Speedy Trial Rights and Acceptance of Diversion Program

In the Interest of: _____ Court Case #: _____ - _____ - _____

Date of Birth: _____ MHACF #: _____ - _____

The undersigned child and his/her parent/custodian do by their signatures below, hereby:

- I. Acknowledge that the undersigned MHACF staff member or program assistant has thoroughly informed them and they understand that:
 - A. The child is accused of committing a delinquent act and that he/she has the right:
 1. To a trial before a Judge within 90 days of the arrest date or within 90 days of the time a delinquency petition is filed by the State Attorney's Office.
 2. At the trial of his/her case, to be presumed innocent unless proven guilty beyond a reasonable doubt, to hear live testimony of the evidence against him/her; to ask questions of any witnesses who testify against him/her; to present his/her own witnesses or any defense he/she might have; to have the counsel and advice of a lawyer who would be appointed by the Judge for him/her if he/she cannot afford a lawyer; to remain silent about these charges and not have it considered a proof of guilt, to testify in his/her own defense and have this testimony given the same weight as any other testimony, the right to appeal the factual basis of the case against him/her.
 - B. The child has been recommended for Pre-Trial Diversion in place of court action.
 - C. The State Attorney's Office is not bound by the Waiver and may file a petition in Juvenile court if they do not agree with the recommendation for diversion and that the child/parent/custodian will be notified of his/her court date in Juvenile Court if he/she is not accepted for diversion. If the child has been given a court date, the child/parent/custodian must call 407-836-7550 if the offense occurred in Orange County or 407-742-5240 if the offense occurred in Osceola County, two working days in advance of the court date between the hours of 9am and 5pm, Monday through Friday, to verify that appearance is still necessary.
 - D. To participate in the program, it is necessary for the child and parent/custodian to sign this form indicating that they waive their right to speedy trial.
 - E. Participation in a diversion program is voluntary.
 - F. If diversion is rejected by the child and parent/custodian, the case will be reviewed by the State Attorney's Office to make a decision concerning the filing of charges in Juvenile Court.
- II. Acknowledge that the Waiver of Speedy Trial Rights cannot be canceled or revoked even though the case may later be prosecuted by the State Attorney for failure of the child to comply with the diversion program sanctions.
- III. Agree to accept a Diversion program instead of going to Juvenile Court.

Parent / Guardian: _____ Child: _____

MHACF staff member or program assistant: _____ Date: _____