

Cognitive Impairment Diversion Program (CIDP) - Eligibility

Key points:

- The CIDP pilot targets adult defendants who:
 - are eligible to be considered for diversion under section 32 of the *Mental Health (Forensic Provisions) Act 1990* (the MHFPA)
 - have a cognitive impairment within the meaning of section 32 of the MHFPA
 - are before Penrith or Gosford Local Court.
- A defendant's eligibility for the NDIS is not a relevant factor to consider when determining eligibility for the CIDP. Similarly, participation in other programs does not impact eligibility for the CIDP.
- While it is likely that a significant number of CIDP participants will be eligible for the NDIS, those who do not meet NDIS access requirements may still be able to participate in and benefit from the CIDP.

Key reasons:

- The CIDP maximises opportunities created by the roll out of the NDIS to divert people with a cognitive impairment out of the criminal justice system and into appropriate community based disability services. However, a person with a cognitive impairment may also be supported by a number of other services in the community.
- Not all people with a cognitive impairment will be eligible for the NDIS. For example, the NDIS excludes people who are 65 years and over, are not an Australian resident, or do not meet NDIS access requirements.
- Depending on their individual circumstances, a CIDP participant might:
 - be an existing NDIS participant, or may be awaiting the outcome of an NDIS access request
 - receive supports from the Community Justice Program
 - receive funding through the Lifetime Care and Support Scheme (iCare)
 - receive supports through My Aged Care

- receive the Disability Support Pension (DSP), a Newstart allowance or any other support payment
- be engaged in employment (including those supported by a Disability Employment Service)
- receive other formal or informal supports in the community.
- Cognitive impairment is defined in section 32 (6) of the MHFPA to mean an ongoing impairment of a person's:
 - comprehension
 - reasoning
 - adaptive functioning
 - judgment
 - learning or
 - memorythat materially affects the person's ability to function in daily life.
- This ongoing impairment is the result of:
 - damage to,
 - dysfunction,
 - developmental delay or
 - deterioration ofthe person's brain or mind.
- An ongoing cognitive impairment includes (without limitation) any of the following:
 - intellectual disability
 - borderline intellectual functioning
 - dementia
 - acquired brain injury
 - drug or alcohol related brain damage, including foetal alcohol spectrum disorder, and
 - autism spectrum disorder.

For more information

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Visit the website at
www.localcourt.justice.nsw.gov.au