

# Cognitive Impairment Diversion Program

## Fact sheet

The objective of the Cognitive Impairment Diversion Program (CIDP) is to increase the diversion of people with a cognitive impairment charged with low level offences away from the criminal justice system under section 32 of the *Mental Health (Forensic Provisions) Act 1990 (MHFPA)*.

The CIDP expands existing diversion arrangements in NSW local courts and maximises opportunities created by the National Disability Insurance Scheme (NDIS), to divert people with a cognitive impairment and low level offending out of the criminal justice system and into appropriate community-based services.

There are three elements to the CIDP:

1. Expanding the existing court-based clinical assessment in the State-wide Court Liaison Service. The Court Liaison Service identifies and assesses a defendant before advising of an appropriate plan to divert the defendant from the criminal justice system.
2. Expanding an existing non-government service to support the defendant to link with the NDIS and services.
3. Expanding the role of Community Corrections to monitor a defendant's compliance with a cognitive impairment diversion plan to ensure the defendant is appropriately supported. If a defendant fails to comply with the condition/s of their diversionary order within 6 months of their discharge, the Magistrate has the power to request the defendant to appear before them. The Magistrate can then deal with the charge as if it had not been discharged.

### What are the benefits of the CIDP?

The CIDP is an early intervention strategy seeking to:

- maximise a defendant's opportunities by increasing their social and economic participation
- minimise support costs for the defendant in the longer term.

The CIDP prevents escalation in the criminal justice system and provides an opportunity for people that have often fallen through the cracks to gain the support they need to participate in the community.

It also provides potential NDIS applicants with evidence that can assist their NDIS application or plan development.

### Who is eligible?

To be considered eligible for the CIDP defendants must:

- be an adult (18 years+)
- appear in Penrith or Gosford Local Courts
- be assessed as having a cognitive impairment
- voluntarily agree to participate in the CIDP.

### Where is it available?

The CIDP will be available at **Penrith and Gosford Local Courts** for two years commencing October 2017.

## How is a referral made?

Referrals can be made by contacting the Court Liaison Service. Referrals to the CIDP can be made by a police officer, magistrate, solicitor, Local Health District, non-government organisation, friend or family of the defendant or the defendant.

Defendants may be referred to the program on more than one occasion.

## What is the screening and assessment process?

The Court Liaison Service screens the defendant for cognitive impairment. If the defendant has a cognitive impairment the Court Liaison Service applies for an adjournment to undertake assessments.

A psychologist prepares a cognitive assessment report. If the defendant is assessed as having a significant and permanent cognitive impairment, the psychologist refers the defendant to the CIDP support worker.

The CIDP support worker assists the defendant to access the NDIS and support services that will meet the needs and goals of the defendant.

## How does information come back to the court?

The Court Liaison Service provides a report to the magistrate. The magistrate then decides whether to make an order under Section 32 of the *MHFPA*.

If the magistrate makes a diversion order, a Community Corrections Officer will be assigned to the defendant to monitor their compliance with the diversion orders.

## Who is involved in the CIDP?

**CIDP support workers** provide case management for the defendant. This includes working with the defendant and others to advocate for services and support that meet the needs of the defendant. This may include working with the defendant's legal representative and the NDIA (National Disability Insurance Agency).

**Psychologists** are responsible for assessing the defendant. Psychologists are employees of the Court Liaison Service within Justice Health.

**Community Corrections** provide pre and post-sentence assessments and advice to courts and releasing authorities.

### Referrals

**Court Liaison Service:** 9700 2175

For more information

**Email:** [cidp@justice.nsw.gov.au](mailto:cidp@justice.nsw.gov.au)

**Or visit the website at**

[www.localcourt.justice.nsw.gov.au](http://www.localcourt.justice.nsw.gov.au)