

## Justice Advocacy Service Section 14 Diversion Support

### About the JAS court-based diversion service

The Justice Advocacy Service (JAS) court-based diversion service component will operate at the following six local courts only (not state-wide):

- Downing Centre Local Court
- Parramatta Local Court
- Blacktown Local Court
- Penrith Local Court
- Gosford Local Court
- Lismore Local Court

The JAS court-based diversion service is delivered by the Intellectual Disability Rights Service (IDRS).

At these courts, the JAS will continue to assist victims, witnesses and defendants who may have a cognitive impairment to participate in legal and court processes by providing a support person and other reasonable adjustments.

Additionally defendants who are considered suitable for diversion under Section 14 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 will be referred to its court-based

diversion service for targeted diversion coordination and support, where they will be allocated a JAS Diversion Coordinator.

The Diversion Coordinator will provide the necessary information to support the lawyer to make an application for a diversion order under section 14 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

### JAS Diversion support may include:

1. Liaise with legal representative to identify defendants suitable for diversion under Section 14 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020.
2. Conduct preliminary screenings that will preliminarily assess a defendant for possible cognitive impairment.
3. Engage with the defendant's lawyer/s to understand the evidence needed to support diversion away from the criminal justice system.

4. Collect relevant evidence that will support a diagnosis of cognitive impairment, and where this evidence is not available, seek a cognitive assessment from a trained clinician. Brokerage may be available when there are no other alternatives.
5. Assist the defendant to access the National Disability Insurance Scheme (NDIS).
6. Assist the defendant to engage with other support services in the community that will support diversion away from the criminal justice system.
7. Provide a support plan and report, with supporting evidence, to the defendant's lawyer/s that sets out the services the defendant is engaged with that will support diversion away from the criminal justice system.
8. Support the defendant to express their own views and communicate effectively with judicial officers, registry staff, lawyers and others.

## Eligibility

The JAS court-based diversion service is only available to defendants who may have a cognitive impairment in six NSW local courts, where their legal representative

has considered them suitable for a Section 14 Diversion application. A potential client does not need to provide evidence of cognitive impairment to initially access the JAS, but evidence will be required to participate in the court-based diversion service. The JAS may support the collection of such evidence.

**\* The JAS court-based diversion service is not a case management service or program. It is a strictly time limited service to support suitable clients for diversion under Section 14 of the Mental Health and Cognitive Impairment Forensic Provisions Act.**

## For more information

### Visit the website

[www.justiceadvocacy.org.au](http://www.justiceadvocacy.org.au)

### Email JAS

[intakeJAS@idrs.org.au](mailto:intakeJAS@idrs.org.au)

## Call JAS

**1300 665 908**