

Justice Advocacy Service Section 14 Diversion Service

About the JAS court-based diversion service

The Justice Advocacy Service (JAS) will continue to assist victims, witnesses and defendants who have cognitive impairment to participate in legal and court processes by providing a support person and other reasonable adjustments across NSW.

The Diversion Service component of JAS 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 is delivered by the Intellectual Disability Rights Service (IDRS).

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 the JAS Diversion Service for targeted diversion coordination and

support, where they will be allocated a JAS Diversion Coordinator.

The Diversion Coordinator will work with the solicitor to identify and seek out the evidence necessary to support 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 solicitor to identify defendants who may be eligible and suitable for application 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 they believe will assist them and 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 Diversion Service is only available to defendants who have cognitive impairment in six NSW local courts, where

their legal representative has considered them suitable for a Section 14 Diversion application.

*** The JAS Diversion Service is not a case management service. It is a strictly time limited service and will work with the defendant and services to develop a support plan for the court and establish links between defendants and the relevant mainstream and disability services.**

For more information

Visit the website

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Call JAS

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