

Thirteenth Judicial Circuit
State of South Carolina

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Solicitor's Diversion Programs

Dear Parents:

This letter is written to provide information to parents who have children currently involved in the criminal justice system. Confidentiality laws prohibit us from discussing specific cases, but the information provided below answers our most frequently asked questions about our diversion programs, which includes Pre-Trial Intervention (PTI) and the Alcohol Education Program. (AEP)

Why can't I help my son/daughter with this process? They don't know how to handle things like this.

It's important for you to understand that these are not juvenile programs. All participants in PTI and AEP have been charged as adults. Therefore, it is extremely important for the participant to take responsibility for the choices that put him/her in this situation. You are actually helping your child the most by allowing him/her to experience the safe but uncomfortable and often difficult consequences of his/her poor choices.

All requirements of the program are provided to participants *in writing*. Also, every appointment for which your son or daughter is scheduled is given to him/her *in writing*, usually at *least* one week prior to the appointment. Encourage your child to share those documents with you so that you can help remind him/her of appointment dates and deadlines, as well as assist with arranging transportation, if needed.

My child didn't actually do anything wrong. They were just with the wrong crowd.

We do understand that some participants may be criminally charged for the poor choices made by their friends. However, participants need to understand that *they* are responsible for their choice of friends and activities, and we encourage them to develop an understanding of how those choices affect them and their families.

I don't know what these programs are supposed to do. How do they work?

According to South Carolina law, The Circuit Solicitor can allow certain first-time criminal offenders the opportunity to participate in diversion programs. Successful completion of one of our diversion programs results in a "non-conviction" status for your child, meaning that their charge(s) is dismissed and they do not have to go to court or have a trial.

Each participant will receive a list of requirements and deadlines from the assigned counselor. Each requirement is designed to increase knowledge, enforce consequences and teach skills that participants can use to avoid future difficulties with the law.

I can't afford to pay all of these fees. Who can I talk to about setting up a payment plan?

We strongly recommend that the financial burden of our diversion programs fall on the participant, not his or her parents. The participant is the one who made the choices that led to his/her arrest; therefore the participant is responsible for all program fees and payment arrangements.

We have numerous resources available to help participants find employment or receive job training. Often, participants are more motivated to obtain employment if they know that their parents will not be paying the fees for them. When we see that the participant is employed and actively involved in paying the cost of the program, we will work with your child and his specific financial situation.

What happens when they have completed all of the program requirements?

Once all program requirements are completed, the counselor will submit the case for a final background check to ensure that the participant has no new criminal violations. If the record does not reflect additional arrests, the case will be closed as a successful completion. A letter will be sent to the participant informing him/her that the charges have been dismissed and instructing him/her how to apply for an expungement.

Charges dismissed through PTI or AEP are *not* automatically removed from your child's arrest record and will continue to show as a pending charge indefinitely unless the defendant applies and pays for an expungement at the Solicitor's Office. Fees are governed by the South Carolina state legislature. Information regarding the fees will be given at the time of application for expungement. The expungement process takes about 10 to 12 weeks to complete.

Participation in Pre-Trial Intervention and the Alcohol Education Program are privileges. They are not a legal right. The Thirteenth Circuit Solicitor, W. Walter Wilkins, and his staff hope that all program participants take full advantage of the opportunities provided. Successful completion of a diversion program can greatly improve your child's chance for a life free from the burden of a criminal record.