



City of Valley Falls

Established 1854

DIVERSION PROGRAM GUIDELINES

City of Valley Falls, Kansas

Traffic Diversion Application

The City of Valley Falls has established the following guidelines for the Diversion Program.

- Diversion is not a right, it is a privilege. No presumption in favor of diversion exists in ANY case.
- You are not required to have an attorney for the purpose of a traffic diversion.
- The Diversion Program is for six (6) months, which begins after you have been approved; our office has received the signed Diversion paperwork along with the appropriate diversion fees; and the appropriate filings with the Court have occurred. During the six (6) months, you cannot be convicted of any moving violations.
- If you are approved for the Diversion Program, you are not required to pay the fines to the Municipal Court as indicated on the back of your written citation (traffic ticket) but, rather, will pay as required through the Diversion Program.
- Diversion Fee is the amount to be paid as a condition of entering into the Diversion Program. This Fee is determined upon the underlying charge and location. For all speeding tickets along K-16 highway the *minimum* Diversion Fee is \$250.00 in addition to any other costs required. This amount may be increased based upon the underlying speed alleged in the ticket.

Eligibility Requirements

The City of Valley Falls Prosecuting Attorney's Office will consider a number of factors in determining whether or not a diversion is appropriate. It is presumed by these guidelines that a diversion is NOT appropriate under the following circumstances:

1. The Applicant has a prior criminal and/or traffic record, which includes convictions, prior diversions, or pending criminal matters not covered by the application.
2. The Applicant has had any moving violations, other than those charged, in the 12 months preceding the current ticket.
3. The current Ticket was given as a result of an accident involving another person, or if there is an indication that alcohol contributed in any way.
4. The current ticket is for a violation in a construction or school zone, or involves a school bus or emergency vehicle.
5. The current charge is Driving While Suspended and the underlying suspension is for an alcohol related offense. i.e. DUI, PBT Refusal, PUI, etc...
6. The Applicant has a CDL and was driving a commercial vehicle.

Procedures for Diversion Application Process

1. If you have a CDL and the offense is for any traffic-related offense then you are ineligible for a diversion and your application will be denied pursuant to Federal law.
2. The Diversion Application must be completed and returned to the Municipal Court Clerks office along with payment of the application fee.
3. If you have a driver's license issued from a State other than Kansas, you must provide a copy of your driving record along with your Diversion Application.
4. **YOU MUST COMPLETE THE ENTIRE APPLICATION.** If there is any section of the application that you do not understand, or if you have questions about any part of the application, you should contact an attorney. The County Attorney's Office cannot provide you with legal advice or assistance in completing the application process.
5. If the ticket is for Driving While Suspended, you **MUST** submit a letter of reinstatement of your license with the Diversion application or the application will be denied.
6. If the ticket is for No proof of Insurance, you **MUST** submit proof of current liability insurance or non-owners insurance for an advance of six (6) months with the Diversion Application, or the application will be denied.
7. If your application is approved, you, or your attorney, will be provided the Diversion Agreement, and Stay of Proceedings, which will include the court costs, diversion fees, and any applicable attorney fees. You (and your attorney if applicable) must sign and return the paperwork along with the full payment to the City of Valley Falls Municipal Court Clerks Office by the deadline indicated on the letter sent with your Diversion paperwork.
8. **NOTICE:** If you have not received formal notice from the City Prosecutor that your Application for Diversion has been approved, you must appear at Municipal Court in Valley Falls, Kansas at the date and time stated on your Uniform Notice to Appear and Complaint. If you fail to appear, the Municipal Court Judge may order the **suspension of your license** and/or that a **bench warrant be issued for your arrest**.



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TRAFFIC DIVERSION APPLICATION

Complete every blank accurately. Submit this application with a copy of both sides of the ticket.

You may submit by email to: contact@werringlaw.com along with all necessary documents

CDL NOTICE: An applicant who held a commercial driver's license at the time of the offense is ineligible for traffic diversion under federal and Kansas law, whether operating a commercial or personal vehicle.

PERSONAL INFORMATION

Last Name _____ First Name _____ M.I. _____
Date of Birth ____/____/____ Sex _____ SSN _____
Driver's License No. _____ State _____
Address _____
Phone _____ E-mail _____

CASE INFORMATION

Ticket No. _____ Ticket Date ____/____/____
Current Charge(s) _____
Court Date ____/____/____

PARENT OR GUARDIAN INFORMATION, IF APPLICANT IS UNDER 18

Name, Address, and Daytime Phone _____

ATTORNEY INFORMATION, IF REPRESENTED

Attorney Name, Firm, Address, Phone, and E-mail _____



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PRIOR CRIMINAL AND TRAFFIC HISTORY

Have you had other moving violations, including speeding, no insurance, or illegal registration?

Yes _____ No _____

City/County	Violation	Date

☐ Additional history is listed on the reverse side.

☐ If you have an out-of-state license, attach a certified copy of your driving record at your expense.

OATH AND AUTHORIZATION

I swear that I have read this Diversion Application and that the information provided is true and correct to the best of my knowledge. I understand that false information may result in denial of this application or revocation of a Diversion Agreement.

I authorize the City of Valley Falls Municipal Court Clerk's Office, the City of Valley Falls Prosecuting Attorney's Office, and any person, agency, or organization holding relevant information to release and exchange information concerning the charged offense, evaluations, treatment, or suitability for the Diversion Program, as necessary to evaluate this application or administer the program.

Date _____ Signature of Applicant _____

SUBMISSION CHECKLIST

- ☐ Completed and signed application
- ☐ Copy of the front and back of the ticket
- ☐ Certified driving record, if applicant has an out-of-state license
- ☐ Proof of valid insurance, if charged with failure to show proof of insurance
- ☐ Proof of driver's license reinstatement, if charged with driving while suspended or a similar offense

You may submit by email to: contact@werringlaw.com along with all necessary documents



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(FOR OFFICE USE ONLY)

☐ Defendant and Case Number:	_____
☐ Date Received:	____ / ____ / ____
☐ Court Date:	____ / ____ / ____
☐ Approved on:	____ / ____ / ____
☐ Diversion Fee:	\$150.00; \$250.00; Other: _____
☐ Fine:	_____
☐ Court Costs:	\$80.00