§ 309.1. Community based treatment referrals. 1. A youth who is released prior to the filing of a petition shall be made aware of and referred to community based organizations offering counseling, treatment, employment, educational, or vocational services in which they may voluntarily enroll or participate. Such services shall be separate from and in addition to any adjustment services provided under section 308.1 of this part, where applicable.

2. The youth shall be advised that the service referrals are being made as a resource and participation in them is voluntary and that refusal to participate will not negatively impact any aspect of their pending case. Provided, however, nothing shall preclude the youth from voluntarily providing information, after consulting with their attorney, demonstrating successful enrollment, participation, and completion, where applicable, of any such services. The court shall consider any information provided by the youth regarding such participation in the case proceedings including but not limited to dispositional or placement determinations. The court may require supporting documentation for any such consideration that the youth requests, provided however, that such information shall be maintained as confidential in accordance with any applicable state or federal law.

3. No statements made to probation when discussing any service referrals under this section shall be admissible in a fact-finding hearing.