



GOLIAD COUNTY YOUTH DIVERSION PLAN
FOR JUSTICE OF THE PEACE, PRECINCT ONE

I. Description:

As provided by Chapter 45, subchapter "E" of the Texas Code of Criminal Procedure, and contingent on eligibility, a child shall be diverted from formal criminal prosecution through an established Youth Diversion program.

The Youth Diversion Plan allows a child the opportunity to complete a Youth Diversion plan with realistic and reasonable terms, set by the Justice of the Peace/Municipal Court Judge or the Youth Diversion Coordinator. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, and/or restitution, etc. A child's participation is voluntary and requires the child to accept responsibility for his or her conduct and engage in a diversion agreement.

The Juvenile Case Manager or Youth Diversion Coordinator will monitor the child's compliance throughout their participation in the program which may be a minimum of 30 days and not to exceed the maximum of 180 days. If the child satisfies all the requirements of their diversion agreement, there will be no further proceedings related to the case. If the child withdraws or does not successfully complete the diversion agreement, the Justice of the Peace/Municipal Court Judge will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may formally file the charge against the child for criminal prosecution, with prosecutor's approval or the case may be transferred to the Goliad County Court-Juvenile Docket.

If it is determined that more time is necessary for a young person to successfully complete the diversion, a diversion contract can be extended and/or adjusted.

II. Eligibility:

1. The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense.
2. A child has not entered into a diversion agreement in the past 365 days.
3. A child is not eligible for diversion if the child previously had an unsuccessful diversion.
4. A child is not eligible for diversion if a diversion is objected to by the attorney representing the State.
5. A child may not be diverted from criminal prosecution without the consent of the child and the child's parent/guardian.
6. The child is at least 10 years of age and younger than 17 years of age.

III. Not Eligible:

If the child is not eligible for diversion, the prosecutor objects, or the child and/or parent/guardian decline participation, the case is filed with the court to proceed with formal prosecution.

IV. Youth Diversion Goals:

1. Prevent formal criminal prosecution/
2. Empower the child to accept responsibility for his/her actions.
3. Encourage acceptance of their consequences.
4. Deter further criminal conduct.
5. Prevent the creation or extension of criminal records.
6. Reduce the reoccurrence of problem behaviors leading to gateway misdemeanors.
7. Avoid currency punishments for youth and their parent/guardian with limited financial resources.

V. Youth Diversion Plan:

1. Bring together participants (e.g., child and parent(s)/guardian(s)), Judge, Youth Diversion Coordinator or Juvenile Case Manager, Prosecutor, etc.
2. Conduct a meeting and review charge(s).
3. Ensure the child and parent(s)/guardian(s) understand participation is not an admission of guilty and is voluntary.
4. Discuss the best course of action for the diversion plan.
5. Set requirements and ensure the child and parent(s)/guardian(s) comprehend the diversion agreement.
6. The child and parent(s)/guardian(s) accept and sign the individualized, written diversion agreement. The agreement will include term(s) of compliance, duration of the agreement, and the date by which conditions must be met. These terms and conditions will be set on a case-by-case basis.
7. If it is determined to assess the optional \$50.00 local youth diversion administrative fee to pay the cost of the diversion, the fee will be collected ten (10) days from the date the diversion agreement is signed.

VI. Strategies:

1. The Court may require a child to participate in a court approved teen court program.
2. Perform Community Service Hours at a non-profit organization or government agency that provides services to the general public that enhances the social welfare and general well-being of the community.
3. Attend a work and job skills training program.
4. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code.
5. Attend an alcohol or drug abuse program.
6. Partake in counseling, including private or in-school counseling.
7. Partake in mentoring.
8. Require the child to pay restitution for an offense against property.

VII. Case Management:

During the diversion period, the Judge, Youth Diversion Coordinator, Juvenile Case Manager, or Prosecutor will follow-up periodically for the sole purpose of evaluating program progress.

Follow-up measures may include:

1. Follow-up calls to the child and parent(s)/guardian(s).
2. Contracting the Community Service provider.
3. Communication with school officials.
4. Conduct additional meetings as needed.
5. Referrals to educational classes and community service providers.

VIII. Conclusion of Case:

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution and is reported as successfully completed. Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court will:

1. Conduct a non-adversarial hearing.
2. Determine if an extension period should be granted to comply with the diversion agreement.
3. Review the terms of the diversion agreement and amend if needed.
4. Transfer the child to Juvenile Court.
5. Refer the charges to the Prosecutor for filing consideration.
6. Issue an order of contempt against the parent(s)/guardian(s).

IX. Expunction:

The court shall maintain statistics for each diversion strategy authorized by Subchapter E.; all records of a diversion pertaining to a child under Subchapter E shall be expunged without the requirement of a motion or request, on the child's 18th birthday.

PROCEDURES:

Upon receipt of a citation or complaint for a juvenile non-traffic violation from any Law Enforcement Agency:

1. The case will be set on a Pre-Trial Hearing Docket.
2. Mail and email (if applicable) the pre-trial hearing notices to the juvenile and parents(s)/guardian(s).
3. At the Pre-Trial hearing the Prosecutor will make the determination if a case will be filed or if the juvenile is eligible to participate in the Youth Diversion Program.
4. If it is determined that the juvenile is eligible to participate in the Youth Diversion Program, the juvenile and the parent(s)/guardian(s) will meet with the Youth Diversion Coordinator to complete an Intake. During the intake, the Coordinator will address the diversion expectations, and court orders.
5. The duration of the program is twelve (12) weeks. (May be longer if necessary.)
6. The Coordinator will prepare and send monthly progress reports to the Court.
7. Upon completion of the Youth Diversion Program, the Coordinator will prepare a Judgment for the Judge to review and sign. Once the Judgment is received, the case will be closed without further prosecution.
8. If the juvenile fail to participate or comply with the diversion expectations, the Youth Diversion Coordinator will set the case for the next available Show Cause Hearing.
9. If the juvenile in Unsuccessful, the Court may review and extend the agreement or refer the case to the Prosecutor for filing consideration.

Some of the programs we offer are:

- Counseling (individual and family)
- Mentoring
- Monitoring of school grades, attendance and behaviors
- Community Service
- And more.....