



Justice of Peace Pct. 2
SULPHUR SPRINGS, TEXAS 75482

ORDER ADOPTING A YOUTH DIVERSION PLAN

IT IS ORDERED pursuant to Article 45.306 (b) of the Texas Code of Criminal Procedure that the Hopkins County Justice Court, Precinct No. Two, adopts the Youth Diversion Plan hereafter referred to as the "Hopkins County JP2 Youth Diversion Program" or "Program".

IT IS FURTHER ORDERED that the Program shall not limit the types of strategies or services that may be imposed as needed in the best interest of the child and to promote the long-term safety of the community. Strategies and services may be tailored to an individual case as determined by the Juvenile Case Manager/Youth Diversion Coordinator of the Justice Courts of Hopkins County after assessment and collaboration with all interested parties and service providers.

IT IS FURTHER ORDERED that the procedures, components, and applicable law referenced in the Program shall be maintained on file for public inspection.

SIGNED AND ENTERED on this 24 day of December, 2024.

A handwritten signature in blue ink, appearing to read "Brad Cummings".

Justice of the Peace, Pct. No. Two
Hopkins County, Texas





HOPKINS COUNTY JUSTICE COURT, PRECINCT NO. TWO

YOUTH DIVERSION PLAN

Effective 1/1/2025

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 Court Judge or the Youth Diversion Coordinator. Terms may include a combination of conditions listed within Article 45.305, DIVERSION STRATEGIES. 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/Youth Diversion Coordinator will monitor the child's compliance throughout their participation in the program. The diversion agreement may not exceed 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 Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful the court may enter an order allowing additional time to allow the child to comply with the terms of the diversion, transfer the child to a juvenile court, or formally file the charge against the child for criminal prosecution, with the prosecutor's approval.

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.

7. The clerk of the Justice Court or the Juvenile Case Manager/Youth Diversion Coordinator may collect from the child's parent a \$50 administrative fee.

III. 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 future criminal conduct.
5. Prevent the creation or extension of criminal records.
6. Reduce the reoccurrence of problem behaviors leading to gateway misdemeanors.
7. Avoid current punishments for youth and their parent/guardians with limited financial resources.

IV. Youth Diversion Plan

1. Bring together participants (e.g., child and parent(s)/guardian, Prosecutor, Youth Diversion Coordinator or Juvenile Case Manager, prosecutor, etc.)
2. Conduct a meeting and review allegation(s).
3. Ensure the child and parent(s)/guardian understand participation is not an admission of guilt and is voluntary.
4. Discuss the best course of action for the diversion plan for the individual child respectively.
5. Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement and possible consequences of the child's potential unsuccessful completion.
6. The child and parent(s)/guardians accept and sign the individualized, written diversion agreement. The agreement will include the term(s) of compliance, the duration of the agreement, and a date by which conditions must be met. (These terms and conditions will be set on a case-by-case basis).

V. Strategies

The child may be required to complete directives, or participate in a program or services, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which includes, but is not limited to:

1. A court-approved teen court program;
2. A school-related program;
3. An educational program, including alcohol awareness, tobacco awareness, or drug education awareness;
4. A rehabilitation program;
5. A self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, mentorship, or dispute resolution;

6. Perform 20 hours of community-based services at a non-profit organization or government agency determined by the court, that provides services to the general public and enhances the social welfare and general well-being of the community;
7. Attend a work and job skills training program;
8. Attend academic monitoring or tutoring including a preparatory class for the high school equivalency examination, which is administered under section 7.11 of the Texas Education Code;
9. Attend counseling, including private or in-school counseling; AND
10. Screening for mental health and clinical assessment.
11. Submit to alcohol or drug testing;
12. Pay restitution to any alleged victims;
13. Perform any other actions determined by the court.

VI. Case Management

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

Follow-up measures may include:

1. to the child and parent(s)/guardian;
2. Contacting the Community Service provider;
3. Communication with school officials.
4. Conduct additional meetings as needed or decided by the Judge, Juvenile Case Manager/Youth Diversion Coordinator; AND
5. Referrals to educational classes and community service providers.

VII. Conclusion of Case

Completion of the program: Should the child successfully comply with the terms set in the youth diversion agreement, the case is reported as successfully completed and allows the youth to avoid a permanent criminal record.

Failure to complete the program: Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court may:

1. Conduct a Show Cause hearing.
2. Determine if a continuance period, not to exceed 60 days, should be granted to comply with the diversion agreement.
3. Review the terms of the diversion agreement and amend if needed. Including extending the diversion for a period not to exceed one year from the initial start of the diversion

4. Enter an order requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child.
5. Transfer the child to juvenile court
6. Refer the charge to the prosecutor to consider re-filing
7. Issue an order of contempt against the parent(s)/guardian.

Procedures: Upon receipt of a citation or complaint for a juvenile non-traffic violation from a Texas Peace Officer within the jurisdictional boundaries of Hopkins County, the Hopkins County Justice Court, Precinct No. Two, shall:

1. Set the case for an appearance before the Juvenile Case Manager/Youth Diversion Coordinator.
2. Mail and email (if applicable) the appearing notice to the youth and his/her parent.
3. At the youth's appearance, the Juvenile Case Manager/Youth Diversion Coordinator will determine if a case will be filed and if the juvenile is eligible for participation in the Youth Diversion Program.
4. At intake, the Juvenile Case Manager/Youth Diversion Coordinator, youth, and guardians will sign a comprehension form and discuss the program expectations, court orders, and goals.
5. The program is 12 weeks (or longer if necessary).
6. The Juvenile Case Manager/Youth Diversion Coordinator will send monthly progress reports to the referring court.
7. Once the program is complete, the Juvenile Case Manager/Youth Diversion Coordinator will draft a compliance judgment and send it to the Judge for review and signature. The case is then closed without further prosecution.
8. All records of a diversion pertaining to a child shall be automatically expunged on the child's 18th birthday.
9. If the youth fails to participate or comply with program expectations, the Juvenile Case Manager/Youth Diversion Coordinator will set the case for the next available Show Cause hearing before the Judge.
10. If unsuccessful, the referring court could hold the youth in contempt and refer the case to the Juvenile Court for handling.