



## **Rusk County Justice of the Peace, Pct. 3 Juvenile Diversion Plan**

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## YOUTH DIVERSION PLAN

### **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 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 Youth Diversion Coordinator will monitor the child’s compliance throughout their participation in the program which may run up to 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 Precinct 3 Justice of the Peace Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may transfer the child to a juvenile court or formally file the charge against the child for criminal prosecution, with the prosecutor’s approval.

If it is determined that more time is necessary for a young person to successfully complete 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 child’s parent/guardian.
6. The child is at least 10 years of age and younger than 17 years of age.

### **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 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/guardians with limited financial resources.

### **IV. Youth Diversion Plan**

1. Bring together participants (e.g., child and parent(s)/guardian), Judge, Youth Diversion Coordinator, prosecutor, etc.)
2. Conduct a meeting and review charge(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.
5. Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement.
6. The child and parent(s)/guardians accept and sign the individualized, written diversion agreement. The agreement will include term(s) of compliance, 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 court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305. Diversion tasks can include, but are not limited to:

1. Require a child to participate in a court approved teen court program.
2. Community service for a non-profit organization (not to exceed 20 total hours)
3. Work/job skills training program.
4. GED courses and completing the GED
5. Attend an alcohol, tobacco or drug abuse program
6. Drug or alcohol testing
7. Drug court observation
8. Professional counseling
9. Restitution for property offenses equal to or less than \$100
10. Apology letter writing
11. Required school attendance
12. Educational assistance and counseling
13. Lunch detention or lunch tutorials
14. Saturday school

15. No texting at night (parent must submit cell phone records as proof)
16. Remove TV, cell phone, video games, internet access from child's room

## **VI. Case Management**

During the diversion period, the Judge, Youth Diversion Coordinator, 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.
2. Contacting the Community Service provider.
3. Communication with school officials.
4. Conduct additional meetings as needed.
5. Referrals to educational classes and community service providers.

## **VII. 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 withdrawal 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 terms of the diversion agreement and amend, if needed.
4. Transfer the child to juvenile court.
5. Refer the charges to the Prosecutor for filling consideration.
6. Issue an order of contempt against the parent(s)/guardian.

Youth Diversion Coordinator Contact Information  
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