

**Standing Order Regarding the Youth Diversion Plan
For the Justice of the Peace
Precinct 3, Place 1
Matagorda County, Texas**

The Justice of the Peace Court, Precinct 3, Place 1, of Matagorda County hereby ORDERS the adoption of this Youth Diversion Plan. A copy of this plan and its attachments, if any, shall be maintained on file for public inspection in this court.

This program is an intervention strategy with the intention to redirect a juvenile from criminal prosecution while simultaneously holding the juvenile accountable for the juvenile's actions. There are two (2) available types of diversions available, both of which are not to exceed 180 days.

- (1) Intermediate diversion under Article 45.309 of the Texas Code of Criminal Procedure ("Tx. C.C.P."), which occurs before a charge (formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint; ART. 45.301 (1) C.C.P.) involving an eligible juvenile is filed, and
- (2) Diversion by judge under Article 45.310 Tx. C.C.P., which occurs after a charge involving an eligible juvenile is filed or after a trial involving an eligible juvenile results in a verdict of finding of guilt. Courts may choose to implement intermediate diversion, but all courts have requirements related to diversion by judge. Regardless which type of diversion the court implements, the process is generally the same.

The Court's mission is to aim for future prevention of further criminal activity committed or participated in by the youth and reduce juvenile delinquency in the early identification of at-risk youth and for redirecting juvenile who have been accused of certain "gateway" Class C misdemeanors in efforts to avoid a conviction on their record in where House Bill 3186 (88th Legislative Session) makes the Youth Diversion Plan strategies available at the front end of a case to implement preventative measures in accordance to youth needs in partnership with outside agencies: school tutoring; inpatient/out-patient counseling; administer random Urine Analysis to identify or rule out drug use; address truant conduct; GED preparation; monitor homes school progress; assist in seeking employment; help apply for state document and services, conduct home visit; assist if in need of affordable housing due to homelessness; assist

in receiving mental health services if needed; assist with transportation to obtain needed services; Computer access for juvenile use for applying for employment, and provide information on community resources and transportation for services.

Referral of any case to the diversion program shall be subject to the following conditions under Article 45.310 Tx. C.C.P.

- 1.) The Court must first determine eligibility
 - a. The juvenile and court may enter into a diversion agreement under Article 45.310 Tx. C.C.P. no more than once every 365 days;
 - b. The juvenile has not previously had an unsuccessful diversion under this subchapter;
 - c. The attorney representing the state does not object to the juvenile
 - d. The juvenile and the juvenile's parents or legal guardians must give the court written consent to participate in the program.
 - e. The juvenile does not contest the charge or allegation.

Once the case is referred for the Youth Diversion Plan, a court representative will set an in-person meeting with the juvenile and the juvenile's parents/legal guardians to discuss, acknowledge understanding and to obtain written consent from both the juvenile and the juvenile's parents/legal guardians to divert voluntary participation for appropriate sanctions and referrals for in need of services to address delinquent behavior in gaining healthy coping skills to reduce recidivism and prevent further participation in criminal activities. The Court will require that the juvenile and the juvenile's parent/legal guardians verify that they were notified of the juvenile's rights, including the right to refuse participation in the diversion plan, and the juvenile knowingly and voluntarily consents to participation in the diversion.

At any time prior to entering into an agreement to participate in the diversion plan, the juvenile and the juvenile's parent/legal guardian may waive the right to participate in the diversion agreement and may choose to appear in open court to enter a plea to the judge for the charges that have been filed.

Intake Procedure

The Court adopts the following intake procedure in order to assist in the identification of resources that best fits the juvenile's needs. The Court will work with the juvenile and the juvenile's parent/legal guardian in the following regards:

- The court will explain and review the conditions of the diversion agreement with the juvenile and the parent/guardian, including the right to waive right to participate in the diversion plan. This is not a substitute for legal advice. The juvenile and juvenile's parent/guardian shall be required to sign and date the youth diversion agreement, waiver of juvenile services, and all other forms required by the court, including:
 - o Supervision Expectations
 - o Waiver and Consent Form
 - o Medical Treatment Authorization
 - o Authorization to Release Information
 - o Photo Release Form
- The court will require a photo of the juvenile for the file, and the court will provide educational as well as community resource handouts to the juvenile and their parent/guardian.
- An optional youth diversion administrative fee of \$50.00 may be assessed to the juvenile and the juvenile's parent/guardian to be paid to the court within 10 days of the agreement date if the court then determines that it would not cause a financial burden upon the juvenile or their parent/guardian. If the court does determine to assess the fee, the court is required to keep record of the fee collected under Tx. C.C.P. Art. 45.312, issue a receipt to the juvenile, and forward the funds to the County Treasurer.

Additional Program Requirements

In addition to participating in the program by completing the tailored requirements under the diversion plan, the juvenile and the juvenile's parent/guardian are also required to abide by the following terms, conditions or limitations:

- 1) Juveniles on supervision will be required to report to the Court at least once per month during participation of the plan, but shall be required of at least once per month and no more than 8 times per month, by the Youth Plan Coordinator.

- 2) The juvenile may be required to attend school tutoring to improve grades to passing average or/and make up school attendance hours as per school district handbook and/or in lieu of community services hours. The juvenile will be issued a community service log that one is responsible to have teacher(s) sign to acknowledge dates in attendance to verify compliance.
- 3) The juvenile may be required to perform NOT more than 20 hours of community service to be discretionary assigned at the original intake meeting with the juvenile and parent/guardian as part of the Agreed youth diversion plan.
- 4) The juvenile will be subject for random urinalysis with the parent/guardian responsible for the fee paid directly to a pre-approved collection site.
- 5) The juvenile may be required to attend weekly anger management/drug/alcohol/tobacco awareness/group counseling sessions.
- 6) Plans that include referrals to a third-party service, including any type of counseling, medical or psychological services, drug treatment program, or child protective services, may have their own paperwork, report or participation requirements. Full participation in the program, including any required activity or completion of any paperwork, is also adopted by the court as a requirement.

Court Requirements

The Court shall be required to include in every case file, a form that tracks each and every sequential accounting of relevant events that affects the case. This form is an official part of the court record. The Court shall note the date, description of the action, and name/initials of the person entering the record. All entries must be sufficient enough to describe the conversation had, decision made, or action taken in the case. The document shall be treated as a court document and any use of white out on it is strictly prohibited.

Compliance

At the end of the agreed diversion period, the court will determine if juvenile was successful if complied with all conditions of the diversion agreement and case will be closed successful and successful completion letter will be forwarded to assigned court clerk for the case to be closed as successful.

At the end of the agreed diversion period, the court shall determine if the juvenile was unsuccessful or failed to comply with the conditions of the diversion agreement and the case will be referred to court for a non-adversarial hearing for the Judge to either amend or set aside the terms of the diversion agreement; extend the diversion agreement for a period not to a one year term from the initial start date of the diversion; issue a continuance for the hearing for a period not to exceed sixty (60) days to allow an opportunity for compliance with the terms of diversion; Subject to Tx.C.C.P. Art. 45.311(d), require the parent to perform any act the court determines will increase the likelihood the juvenile 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; finding the diversion successful on the basis of substantial compliance; or finding the diversion unsuccessful and either transferring the child to Juvenile court for alleged conduct indicating a need for supervision (CINS) under Section 51.08 of the Family Code; or refer the charge to the attorney representing the state for considering of re-filing.

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.

The Justice of the Peace Court hereby designates a Youth Diversion Coordinator under this plan. The person holding the position of Court Clerk in the Justice of the Peace, Matagorda County, Precinct 3, Place 1, shall be designated as Youth Diversion Coordinator.

To implement diversion, the Justice of the Peace Court will use the following diversion strategies (write in program name/program vendor where appropriate):

- Court-approved teen court program operated by _____ (*service provider*)
- School-related program _____
- Alcohol awareness program _____
- Tobacco awareness program _____
- Drug education program _____
- Rehabilitation program _____
- Self-improvement program _____

- Referral to a service provider for services, which may include:
 - At-risk youth services _____
 - Juvenile case manager services _____
 - Work and job skills training _____
 - Academic monitoring or tutoring _____
 - Community-based services _____
 - Mental health screening and clinical assessment to be provided by the following provider: _____
 - Counseling _____
 - Mentoring services _____
- Mediation or other dispute resolution process
- Alcohol and drug testing
- Substantial compliance with a course of treatment prescribed by a physician or other licensed medical or mental health professional
- Restitution not to exceed \$100 for an offense against property under Title 7 of the Penal Code
- Community service (not more than 20 hours)
- Other: _____

Adopted this day, the 31st day of December, 2024.



 Amy O. Tapia, Presiding Judge