

YOUTH DIVERSION AND EARLY INTERVENTION PLAN

Effective January 1, 2025
Presiding Judge Kevin R. Madison

Preface: Texas House Bill 3186, passed 2023 Texas Legislative Session, requires all municipal courts to develop written youth diversion strategies and procedures for children accused of non-traffic fine-only offenses. HB 3186 is known as the “Texas Youth Diversion and Early Intervention Act.” This act goes into effect on January 1, 2025. The Act requires all municipal courts to adopt a written plan that diverts children accused of a misdemeanor punishable by fine only (other than a traffic offense) to diversion services for up to 180 days. The following plan is adopted by this court, in compliance with SB3186.

YOUTH DIVERSION & INTERVENTION POLICIES OF THIS COURT

Youth Diversion Coordinator: The Court Administrator or Senior Court Clerk of this court is designated as the Youth Diversion Coordinator to assist with implementation.

Youth Diversion Coordinator’s Duties Pursuant to HB 3186: The youth diversion coordinator will assist the court in:

- (1) determining whether a child is eligible for diversion.
- (2) employing a diversion strategy authorized by the Act.
- (3) presenting and maintaining files for all diversion agreements. These are confidential.
- (4) monitoring diversions.
- (5) maintaining records regarding whether the diversions were successful or unsuccessful.
- (6) coordinating referrals to other courts, such as the local Juvenile Court.

Eligible Juvenile Defendants: All juvenile defendants between the ages of 10 and 16 who have been charged with or convicted of a fine only offense (Class C misdemeanor), other than traffic offenses, that are under the jurisdiction of the municipal court are eligible for the youth diversion program if agreed to by the juvenile defendant and the juvenile defendant’s parent.

Ineligible Juvenile Defendants: Juvenile defendants who have had a previously unsuccessful diversion or if a prosecutor objects, are not eligible for this type of diversion. Juvenile defendants who do not comply with the terms of a diversion agreement will be referred to the Presiding Judge of Municipal Court for a hearing and may face.

Diversion strategies include: requiring a child to participate in relevant programming (including court-approved teen court programs, school-related programs, alcohol or tobacco awareness and drug education programs, rehabilitations programs, and self-improvement programs); referring a child to a service provider; or requiring a child to participate in mediation, submit to drug and alcohol testing, and/or comply with a course of treatment prescribed by a physician or mental health professional. Strategies may also include requiring a child by court order to: pay restitution not to exceed \$100; perform not more than 20 hours of community service; or any other reasonable action determined by the court.

Transfer to Juvenile Court Not Affected. Article 45.303 states that nothing in Subchapter E precludes a case from being referred, adjudicated, or disposed of as Child In Need of Supervision under Title 3 of the Texas Family Code or precludes a permissive or mandatory waiver of criminal jurisdiction and transfer from a municipal court per Section 51.08 of the Texas Family Code.

Right of Public Inspection of General Youth Diversion Plans: General youth diversion plans must be maintained on file for public inspection in each justice and municipal court for inspection by the public, however, specific diversion records for a particular juvenile defendant are confidential.

COURT'S YOUTH DIVERSION AND EARLY INTERVENTION PLAN

ELIGIBILITY: Juvenile defendants between ages of 10-16 enrolled in public school.

PLEA: No Plea is taken.

CHARGES DIVERTED: Anything but traffic cases.

DIVERSION COST: \$50.00 administrative fee for court.

AGREEMENT: Must be agreed to by both the child and parent, in writing.

LENGTH OF TIME DIVERTED: 90 days.

EXTENSIONS: (1) 30-day extension with good cause may be granted.

TYPES OF CHARGES ELIGIBLE FOR YOUTH DIVERSION PLANS:

Alcohol Cases (Possession, Consumption, Intoxication)

Assault

Criminal Mischief

Disorderly Conduct

Driving Under the Influence

Failure to Identify

Littering

Possession of Drug Paraphernalia

Possession of Fireworks

Public Intoxication

Theft/Shoplifting

Tobacco

Vandalism

DIVERSION PROGRAMS FOR SPECIFIC CASES

Alcohol Awareness (required course)	6hr				
Alcohol Education for Minors	2hr	4hr	6hr		
Anger Management for Assault Cases	4hr	8+	more hours		
Cognitive Thinking & Decision Making Skills	4hr	8hr			
Drug & Alcohol Education	4hr	6hr	8hr	12hr	16hr
Life Skills	6hr	10hr	20hr		
Marijuana/THC Education	4hr				
Vaping & Nicotine Awareness	2hr	4hr	6hr		
Texas Tobacco Awareness Class	4hr				
Theft/Shoplifting	2hr	4hr	8hr	12hr	
Victim Impact of Alcohol & Drug Use	2hr				
Parenting Skills	8hr	12hr			
Alcohol/Drug Testing through drug testing lab					
Community Service (limited to 20 hours)					
Residential Treatment Program					
Local Mental Health Authority (LMHA) Counseling					
Restitution (not to exceed \$100)					
Resource for Alcohol, Tobacco, Vaping, Drug, Anger Management, Cognitive Counseling, Theft, Shoplifting, Life Skills Programs					
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Art. 45.305. DIVERSION STRATEGIES. (a) Diversion strategies include:

- (1) requiring a child to participate in a program, including:
 - (A) a court-approved teen court program operated by a service provider;
 - (B) a school-related program;
 - (C) an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program;
 - (D) a rehabilitation program; or
 - (E) 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, or dispute resolution;

(2) referring a child to a service provider for services, including:

- (A) at-risk youth services under Subchapter D, Chapter [264](#), Family Code;
- (B) juvenile case manager services under Article [45.056](#);
- (C) work & job skills training, job interviewing, work preparation;
- (D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section [7.111](#), Education Code;
- (E) community-based services;
- (F) mental health screening and clinical assessment;
- (G) counseling, including private or in-school counseling; or
- (H) mentoring services;

(3) requiring a child to:

- (A) participate in mediation or other dispute resolution processes;
- (B) submit to alcohol or drug testing; or
- (C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and

(4) requiring a child, by court order, to:

- (A) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;
- (B) **perform not more than 20 hours of community service**; or
- (C) perform any other reasonable action determined by the court.

(b) A diversion strategy may be imposed under:

- (1) an intermediate diversion under Article [45.309](#);
- (2) a diversion by a judge under Article [45.310](#); or
- (3) a system of graduated sanctions for certain school offenses under Section [37.144](#), Education Code.

(c) A diversion strategy under this subchapter may not require a child who is a home-schooled student, as defined by Section [29.916](#), Education Code, to: (1) attend an elementary or secondary school; or (2) use an educational curriculum other than the curriculum selected by the parent.



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