

## **DAINGERFIELD MUNICIPAL COURT YOUTH DIVERSION PLAN PROGRAM**

All words and phrases contained herein shall be construed according to definitions in Article 45 of the Texas Code of Criminal Procedure, and under Article 45A of the Texas Code of Criminal Procedure after January 1, 2025, where provided. Notwithstanding any reference herein to Art. 45 to the contrary, Article 45A of the Texas Code of Criminal Procedure shall apply to the implementation of this Youth Diversion Plan on and after January 1, 2025, as required by law.

### **I. Objective**

**The purpose of this program and its related procedures is to:**

- A. Reduce recidivism and the occurrence of at-risk behavior through intervention without criminal adjudication.
- B. Identify at-risk juveniles utilizing a social service approach.
- C. Divert instances of deviant behavior from criminal adjudication with an emphasis on therapeutic strategies for accountability and responsibility of the child and the child's parent(s), while promoting public safety and order.
- D. Collaborate with all community resources available to achieve these objectives.

### **II. Applicability**

This program will apply to any behavior that could be formally charged as a criminal offense against a child within the jurisdiction of this Court.

*Nothing in this procedure precludes the State from referring a child as a Child in Need of Supervision under Title 3 of the Texas Family Code, or a permissive or mandatory waiver of jurisdiction and transfer under Section 51.08 of the Texas Family Code.*

### **III. Referral for Diversion Program**

Non-School related behavior that could be formally charged as a criminal offense within the jurisdiction of this Court may be submitted by referral, citation, or complaint as required by law.

School related offenses shall be referred to the Court by a School Administrator. The referral shall include all school records requested by the City Prosecutor and/or Juvenile Case Manager (Youth Diversion Coordinator), and any disciplinary history and measures.

### **IV. Intake & Eligibility**

Upon review and without objection by the City Prosecutor, and with the written consent of the child and child's parent, a child is eligible for the diversion program once every 365 days, but only if he or she has not had a prior diversion plan determined to have been "unsuccessful."

## **V. Diversion Evaluation**

The City Prosecutor and court clerk or other court staff designated to work with juvenile offenders, (Juvenile Case Manager or Youth Diversion Coordinator) shall collaborate to determine eligibility and devise a strategy to correct the specific behavior and achieve the objectives of the program, utilizing available resources.

Resources may include, but are not limited to, Teen Court, school related disciplinary and educational measures, drug and alcohol evaluation and education programs, tobacco education, e-cigarette awareness programs, self-improvement strategies or classes, leadership training, manners/social skills, anger management, mental health evaluations and recommended services, and any other services that are determined to be necessary to improve empathy, the parent-child relationship, or life skills.

## **VI. Intermediate Diversion Intake & Implementation**

The court staff person designated to work with juvenile offenders or the Juvenile Case Manager (Youth Diversion Coordinator) (hereinafter referred to in this Plan as the Youth Diversion Coordinator) shall review all the information available and applicable to the child and employ a case plan utilizing a strategy suitable for the rehabilitation of the child. *(See Appendix A for a description of strategies and programs that may be utilized)* Once a preliminary case plan is recommended, the Juvenile Case Manager shall meet with the parent and child to review the proposed case plan, evaluate the parent-child relationship, consider parent input, or require the parent to participate in the case plan if appropriate. The diversion plan may be for a reasonable period not to exceed 180 days. Upon successful completion, the case shall be closed and reported as successful to the Court.

## **VII. Diversion Agreement**

- A. As required by Article 45.308 of the Texas Code of Criminal Procedure, there shall be a written binding Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure. *(See Appendix B for applicable law)*. The objectives shall:
  - (a) consider the child's circumstances;
  - (b) be rationally relevant to the alleged conduct;
  - (c) be realistic to accomplish, and
  - (d) be in the best interest of the child and the community.
  
- B. The written agreement shall contain the following components as required by law:
  - (a) An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
  
  - (b) Positive and negative consequences of successful completion of, or failure to comply with, the terms of the diversion agreement.
  
  - (c) An explanation that a guilty plea is not required, and that participation

is not an admission of guilt.

(d) An explanation of the review and monitoring process of compliance with the diversion agreement.

(e) The agreed length of the diversion plan.

(f) Signatures of the child and parent indicating each's consent to diversion, with the understanding that diversion is optional. Notification that the child and/or the child's parent may terminate the diversion at any time, and acknowledgement that upon termination, the case will be referred to court.

C. A form approved Diversion Agreement is attached as **Exhibit "A"** to this Plan.

### **VIII. Referral to Court; Prosecutor Objection, Declined Intermediate Diversion or Unsuccessful Completion**

If the Prosecutor objects, the child and/or parent decline(s), or the child does not successfully complete the Intermediate Diversion Program, the case shall be set for a non-adversarial hearing before the assigned Municipal Court Judge. The Judge will confer with all interested parties to determine what is in the best interest of the child, what protects the long-term safety of the community, and whether to:

- A. Declare the diversion unsuccessful, and/or
- B. Amend or set aside terms in the Diversion Agreement;
- C. Extend the diversion period not to exceed one year from the initial start date;
- D. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement;
- E. Require the parent(s) to perform any act, or refrain from performing any act, which the Court determines will increase the likelihood the child will successfully complete the diversion and comply with any order of the court that is reasonable and necessary for the welfare of the child;
- F. Find substantial compliance and successful completion;
- G. Refer the case to the prosecutor for filing; and/or
- H. Transfer the case to Juvenile Court for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

### **IX. Court Proceedings**

If the diversion is determined unsuccessful, or the child and/or parent declines the Intermediate Diversion, upon filing of a complaint by the Prosecutor the case shall be set on a regular Juvenile Docket. If the case proceeds to trial, it shall be assigned to the Presiding Judge or an assigned Associate Judge, other than the originally assigned Juvenile Judge, and will proceed to disposition in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3).

## APPENDIX A

Diversion program components\* consist of:

**Case Management case plan.** A required regular meetings with the Youth Diversion Coordinator and/or Municipal Court Prosecutor, determined on a case-by-case basis and school visits, where deemed appropriate and necessary.

**INDEPTH.** (4-week tobacco course). Mandatory for tobacco and e-cigarette offenses.

**N-O-T.** (“Not On Tobacco” 10-week course). Voluntary for students desiring to quit tobacco or the use of e-cigarette devices by minors under the age of 21. Taught by a certified adult instructor in ten, 50-minute sessions. It is most effective in a small group format (6-10 participants) that emphasizes teamwork. The easy-to-use method helps teens quit tobacco use by addressing total health, in order to develop and maintain positive behaviors. Participants will discuss the importance of physical activity, nutrition, enhancing their sense of self-control, and improving life skills such as stress management, decision making, coping, and interpersonal skills. Additionally, they will learn to identify their reasons for smoking or vaping, healthy alternatives to tobacco use and finding people who will support them in their efforts to quit.

**Anger Management.** Anger management and conflict resolution classes will help participants understand what to do when anger is out of control. Topics covered: A Self-Scoring Assessment, Controlling Anger, Setting Boundaries, Assertive vs. Aggressive Behavior, Family Conflict Management, and General Conflict Resolutions Skills.

**Counseling resources.** The Youth Diversion Coordinator will provide a list of counseling resources, should a child be ordered to complete counseling services. The provider list will include information for mental health care in areas such as addiction and recovery, child and adolescents, marriage and family, and anxiety and depression.

**Teen Court.** The Teen Court process includes four major steps:

1. Referral (case is submitted by Daingerfield Youth Diversion Program to Teen Court)
2. Hearing & Sentence
3. Completion of Sentence
4. Final Report

Once your case is referred to Teen Court, a hearing will be set, and a notice mailed to you for the case to be heard (Court starts at 6 p.m.). The teen court process is one in which you will appear at a hearing before teens who will examine the facts of the case, then issue a sentence. The sentence range will be determined by the referring entity.

Once the sentence is decided, you will be given a packet at the hearing with all the instructions needed, and the child may begin completing the elements of the sentence. One requirement, along with community service issued, will be that the child must return at least once to serve as a Teen Court juror. Information on how to sign up for jury duty will be in the packet. Individual

participants are responsible for tracking their community service and turning in proof of completion of all sentence requirements by the due date.

Once the completion paperwork is submitted, the Teen Court office will review the file and determine if the child successfully completed the program. A report confirming completion will be sent to the referring entity (Daingerfield Municipal Court Youth Diversion Program). A failure to timely submit your paperwork may lead to progressive sanctions, as determined by the Diversion Program coordinator and Municipal Court Prosecutor, consistent with the applicable law.

- **Online Educational classes.**

Online courses provided by Court Solutions Online focus on interventions that change offender behavior related to alcohol, marijuana, vaping, prescription drug misuse, shoplifting, domestic violence, and anger-related violations. The classes are evidence-based online courses grounded in the most effective strategies for changing attitudes and behaviors.

- **Tutoring and/or in school tutorials.**

Parents also receive:

- Face-to-face meetings with the Youth Diversion Coordinator.
- Educational materials.
- A written copy of the youth diversion action plan and agreement.
- Access to help line for children addicted to nicotine.

*\* This is not an exhaustive list of program components. Other resources may be added, or existing components removed consistent with applicable law, when considered appropriate by the Daingerfield Youth Early Intervention Diversion Program team.*

## **APPENDIX B**

Applicable law may be found at the following links:

[Texas Code of Criminal Procedure Article 45.301 -- Definitions \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.302 -- Applicability \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.303 -- Transfer to Juvenile Court Not Affected \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.304 -- Diversion Eligibility \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.305 -- Diversion Strategies \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.306 -- Youth Diversion Plan \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.307 -- Youth Diversion Coordinator \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.308 -- Diversion Agreement \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.309 -- Intermediate Diversion \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.310 -- Diversion by Justice or Judge \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.311 -- Referral to Court \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.312 -- Local Youth Diversion Administrative Fee \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.313 -- Diversion Records \(public.law\)](#)

§                                   IN THE MUNICIPAL COURT  
§                                   CITY OF DAINGERFIELD  
§                                   MORRIS COUNTY, TEXAS

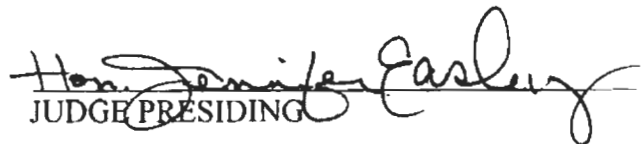
**ORDER ADOPTING A YOUTH DIVERSION PLAN**

IT IS ORDERED pursuant to Article 45.306 (b) of the Texas Code of Criminal Procedure that the Court adopts the Youth Diversion Plan hereafter referred to as the "Daingerfield Youth Diversion Program" or "Program" attached to this Order as **Exhibit "A."**

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 Judge, City Prosecutor, and the court clerk or other court staff designated to work with juvenile offenders, (whether referred to as a Juvenile Case Manager or as the Youth Diversion Coordinator), 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 Daingerfield Youth Diversion Program shall be maintained on file for public inspection.

SIGNED AND ENTERED on this 11<sup>th</sup> day of December, 2024.

  
JUDGE PRESIDING