

Youth Diversion Plan For the Municipal Court of Hillsboro, Texas

1. Overview

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. Youth diversion is applicable for a child between the ages of 10 and 16 who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense (Article 45.302 Code of Criminal Procedure). A child’s participation is voluntary and requires written consent from both the child and the parent in a diversion agreement.

If eligible, the child and parent will enter into a diversion agreement with the Municipal Court. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, and/or restitution. The Youth Diversion Coordinator and the judge monitor the child’s compliance with the Diversion Agreement. 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, an HMC judge will conduct a non-adversarial hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the charge may be filed 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 not to exceed 180 days (Article 45.309(a)). A judge, however, may extend up to one year from the original start of the diversion after a non-adversarial hearing (45.309(b)).

2. Purpose

The purpose of the Youth Diversion Plan is to provide an alternative to formal prosecution for eligible children focusing on accountability, rehabilitation, and community safety. This plan aims to address the underlying causes of a child’s behavior, reduce recidivism, and prevent the long-term consequences of criminal records, enabling positive outcomes for youth and the community.

3. Eligibility Criteria

To qualify for diversion under the Youth Diversion Plan, the following criteria must be met:

- a. Age:** The individual must be between 10 and 16 years old at the time of the offense.
- b. Offense Type:** The offense must be a misdemeanor punishable by fine only, excluding traffic violations or other offenses explicitly excluded by law.

- c. **Previous Diversion:** The child must not have entered into any diversion agreement within the past 365 days. A child with a prior unsuccessful diversion is permanently ineligible.
- d. **Parental Consent:** Both the child and their parent or legal guardian must consent to participate in the diversion program.
- e. **Prosecutorial Objection:** The prosecutor must not raise a legal objection to the diversion.
- f. **Jurisdiction:** The offense must fall under the jurisdiction of the municipal or justice court as defined by applicable statutes.

4. Diversion Strategies

Youth diversion strategies aim to address the underlying causes of a child’s behavior while fostering accountability and positive development. Strategies may include:

- a. **Educational Programs:** Classes focused on life skills, anger management, or offense-specific topics (e.g., theft prevention or substance abuse education)
- b. **Counseling and Therapy:** Individual or family counseling to address mental health challenges or interpersonal issues.
- c. **Community Service:** Assigning meaningful service projects that allow children to contribute positively to their community.
- d. **Restitution:** Requiring the child to compensate victims for financial or property loss, when applicable (up to \$100 for specific offenses under Title 7 of the Penal Code).
- e. **Mentorship Programs:** Pairing children with mentors who provide guidance and support to help them make better decisions.
- f. **Writings:** A writing assigned by the court such as a letter of apology or a writing on the dangers of the offense.
- g. **Drug and Alcohol Testing.** Requiring the child to drug or alcohol test one or more times during the term of the Diversion Agreement.

5. Diversion Agreement

There shall be a written binding diversion agreement that contains the components required in Article 45.309 and 45.310 of the Texas Code of Criminal Procedure, including identification of the alleged conduct and diversion agreement in clear and concise language understandable to the child. The diversion agreement shall consider the child’s circumstances, be rationally relevant to the alleged conduct, be realistic to accomplish, and be in the best interest of the child and the community.

6. Consent and Agreement Protocols

The following protocols shall be the responsibility of the Youth Diversion Coordinator:

Step 1: Notification of Rights

- The child and their parent/guardian will be informed of:
- The purpose and terms of the youth diversion program;
- The voluntary nature of participation;

- The child's right to refuse participation without admitting guilt; and
- The potential consequences of successful or unsuccessful completion of the program.

Step 2: Eligibility Confirmation

The Youth Diversion Coordinator will:

- Verify the child's eligibility for diversion based on statutory criteria; and
- Explain the specific diversion strategies that may be included in the program.

Step 3: Agreement Review

The written diversion agreement will be presented to the child and their parent/guardian, including:

- The responsibilities of the child and parent/guardian;
- The measurable objectives and terms of the agreement;
- Acknowledgement that participation does not constitute an admission of guilt; and
- Explanation of the monitoring and compliance review process.

Step 4: Consent to Participate

The child and their parent/guardian must:

- Sign the diversion agreement, affirming they have been informed of their rights, agree to the terms, and consent to participate; and
- Acknowledge that the parent/guardian's role in the program is to support the child and, where applicable, fulfill specific requirements such as payment of administrative fees.

Step 5: Documentation and Copies

The court will:

- Provide copies of the signed agreement to the child, their parent/guardian, and the Youth Diversion Coordinator; and
- Retain the original signed agreement in the court's confidential diversion program records.

Step 6: Program Initiation

The Youth Diversion Coordinator will:

- Begin monitoring the child's progress according to the terms of the agreement; and
- Serve as the primary point of contact for questions or concerns during the program.

Step 7: Evaluation and Monitoring

The Youth Diversion Coordinator is responsible for tracking the progress of each participant, ensuring compliance with the terms of their diversion agreement. This includes:

- Regular check-ins with the child and their parent/guardian to assess progress;
- Communication with service providers to verify participation in assigned programs (e.g. counseling and community service); and
- Maintaining accurate and confidential records of the youth's compliance and outcomes.

7. **Not Eligible for Diversion, Prosecutor Objection, Declined Participation by Child or Parent, or Unsuccessful Completion**

- a. If a child is not eligible for diversion, the prosecutor objects, or the child and/or parent decline participation, the case is filed with the court to proceed with formal prosecution.
- b. If a child is not compliant with the Diversion agreement, the case shall be set for a non-adversarial hearing before the municipal 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:
 - i. Declare the diversion unsuccessful;
 - ii. Amend or set aside terms in the diversion agreement;
 - iii. Extend the diversion period not to exceed one year from the initial start date;
 - iv. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement;
 - v. 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;
 - vi. Find substantial compliance and successful completion; and/or
 - vii. Refer the case to the prosecutor for filing.

8. **Juvenile Diversion Fee**

HB3186 allows the Court to collect a \$50.00 administrative fee from the child's parent for the cost of diversion. If a parent is facing a hardship and unable to pay, the Court may waive this fee.

Expunction

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.

Youth Diversion Coordinator

The Municipal Court hereby designates a Youth Diversion Coordinator under this plan. The person holding the position of Court Clerk in the City of Hillsboro shall be designated as Youth Diversion Coordinator.

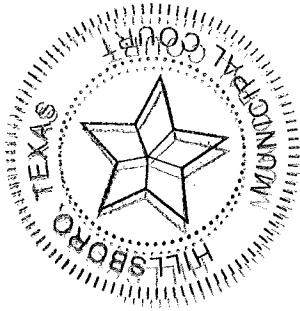
Diversion Plan Available to Public

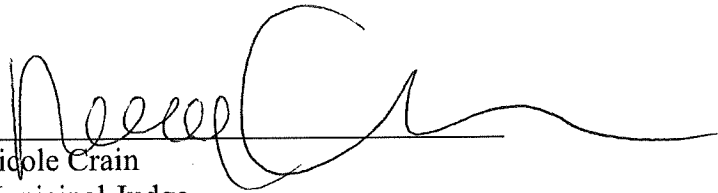
This order and subsequent orders shall be maintained on file for public inspection.

STANDING ORDER: YOUTH DIVERSION PLAN

The Municipal Court of Hillsboro hereby adopts the above Youth Diversion Plan, effective January 1, 2025, in accordance with the provisions of House Bill 3186 and Subchapter E, Chapter 45 of the Texas Code of Criminal Procedure. This plan is designed to promote accountability, reduce recidivism, and ensure the welfare and safety of the community by redirecting eligible youth from formal prosecution to constructive intervention strategies.

Signed this the 30th day of December 2024





Nicole Crain
Municipal Judge
City of Hillsboro, Texas