

LEE COUNTY YOUTH DIVERSION PLAN

All words and phrases contained herein shall be construed according to definitions in Article 45 of the Texas Code of Criminal Procedure, where provided.

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.

II. 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 the Youth Diversion Coordinator and any disciplinary history and measures.

III. Intake & Eligibility

Upon review and without objection by the City Prosecutor, and with the written consent of the child and the 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."

IV. Diversion Evaluation

The City or County Prosecutor and Youth Diversion Coordinator shall collaborate to determine eligibility and devise a strategy to correct the specific

behavior and achieve the program's objectives, utilizing available resources. Resources may include but are not limited to, school-related disciplinary and educational measures, drug and alcohol evaluation and education programs, tobacco education, 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 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. Once a preliminary case plan is recommended, the Youth Diversion Coordinator 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

There shall be a written binding Diversion Agreement that contains the components required in Articles 45.309 & 45.310 of the Texas Code of Criminal Procedure. 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.

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.

G. A \$50.00 Diversion fee (if applicable)

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 Diversion Program, the case shall be set for a nonadversarial hearing before the assigned Juvenile 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.

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

VIII. Court Proceedings

If the diversion is determined unsuccessful, or the child and/or parent declines the Intermediate Diversion, upon the 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 other than the originally assigned Juvenile Judge and will proceed to disposition under Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3)

APPENDIX A

Diversion program components* consist of:

- **Case Management case plan - required regular meetings with the Youth Diversion Coordinator, determined on a case-by-case basis. School visits, where deemed appropriate and necessary.**
- **INDEPTH (4-hour Vaping and Tobacco Awareness) - Mandatory for tobacco offenses.**
- **INDEPTH (12-hour Life Skills Class) - Mandatory for all Youth Diversion plans**
- **Anger Management**

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

The Diversion Program 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.
- **Online Educational classes**

Online courses provided by and focus on interventions that change offender behavior related to alcohol, marijuana, vaping, prescription drug misuse, truancy, 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 Lee County Youth Early Intervention Diversion Program team.*