



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 (other than traffic offenses).

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

- A. Non-School related behavior that could be formally charged as a criminal offense within the jurisdiction of this Court (other than traffic offenses) may be submitted by referral, citation, or complaint as required by law.
- B. 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 Juvenile Case Manager (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, 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. Diversion Intake & Implementation

The Juvenile Case Manager (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

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.

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 as a criminal charge.

VIII. Youth Diversion Costs

- A. Local Youth Diversion Administrative Fee (LYDAF). Article 45.312 authorizes the clerk of the court to collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case. The LYDAF may not be collected unless specified as a term of the diversion agreement accepted by the child's parent.

- B. Other Youth Diversion Programming Costs. Some programming the child or parent could be ordered to do on diversion may have costs associated that the parent would have to agree to pay for. These costs will vary based on providers.

IX. Referral to Court upon Unsuccessful Completion

If the child does not successfully complete the Diversion Program, the case shall be set for a non- adversarial hearing before the 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.

X. Court Proceedings in Criminal Prosecution

If the Prosecutor objects to granting youth diversion, the child and/or parent decline(s) youth diversion, or the Judge rules that the child was unsuccessful in completing the youth diversion at the non- adversarial hearing, the Prosecutor will file a complaint with the court and 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, 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** - required regular meetings with Juvenile Case Manager, determined on a case-by-case basis.
- **Grade and/or School Attendance Monitoring** – could be required based on the intake interview with the child and parent.
- **Tobacco Awareness Class** - Mandatory for tobacco offenses.
- **Drug Testing** – Based on the intake interview with the child and parent and the offense committed, youth may be required to pass a drug test by a given time period.
- **Carrus Care Program** – This agency will perform a free assessment of the child to determine the most appropriate treatment options. They could recommend outpatient care through their IOP Program (3 days a week attendance), their PHP Program (5 days a week attendance), or their In-Patient treatment which is a full time stay for a set amount of days.
- **Lewisville ISD Adapt and Hope Program** – ADAPT and HOPE are alternative discipline programs for elementary (grades 3-5), middle, and high school students and their parents. The programs cover a variety of topics including self-awareness, relationship skills, and responsible decision-making. Parents and students attend together, but also meet with other parents and students.
- **Family Tree Program Counseling** – The Family Tree Program addresses family conflict and everyday struggles while promoting strong families and youth resilience. We believe that parenting can be hard and everyone needs help from time to time, too. We also believe that being a young person has its challenges and can be difficult. Family Tree's primary purpose is to serve youth and their families. We often provide guidance and support related to depression, bullying, grief/trauma, attention issues, behavior, anger, anxiety, and communication and collaboration within a family.
- **Teen Court** – Defendant will appear before a jury of their peers to determine the amount of community service and jury service hours they will be required to complete. By bringing the teens before a jury of their peers, Teen Court seeks to deter future unlawful behavior while providing direct experience with the court system and a greater understanding of their future role as

productive citizens. Instead of paying a fine, the teen is sentenced to constructive service in a community service organization and jury duty in the Teen Court.

- **RED (Reality Education for Drivers)** - The RED program's primary goal is to steer young drivers toward safer driving habits. The class curriculum is designed to help participants change their attitudes about the choices they make, so in turn, they will want to change their behaviors by making better choices when traveling, either behind the wheel or as passengers.
- **ESL Training** – To help eliminate language barriers that might be contributing to a child's struggles in and out of the classroom.
- **Online Educational classes.**
Online courses provided by I.S.A.E. on interventions that change offender behavior related to alcohol, marijuana, vaping, driving while distracted, 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.
- A written copy of the youth diversion action plan and agreement.

** 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 Lewisville Youth 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 \(public.law\)](#)