

# **YOUTH DIVERSION PLAN**

## **JUSTICE OF THE PEACE, PRECINCT TWO**

### **GILLESPIE COUNTY, TEXAS**



#### ***Purpose of the Youth Diversion Plan***

The purpose of this Youth Diversion Plan is to protect and preserve the interests of Texas youth who have run afoul of our laws by providing interventions and strategies designed to assist the troubled youth and to keep his/her record clean and his/her future bright with opportunity to successfully integrate into society without the burdens of their youth raising barriers. A copy of this Youth Diversion Plan shall be maintained on file for public purposes.

#### ***Youth Diversion Coordinator***

House Bill 3186 and the Code of Criminal Procedure (CCP), Article 45.307(a), authorizes each municipal and justice court to designate a Youth Diversion Coordinator.

The Youth Diversion Coordinator for the Justice of the Peace, Precinct Two, Gillespie County, Texas is the Court Coordinator for Justice Court, Precinct Two and may be assisted by any other statutorily qualified individual or entity.

#### ***Plan Qualifications***

- Child under 17 years of age at the time of the offense.
- Child has not been diverted in the previous 365 days,
- Has never had an unsuccessful diversion,
- There is no objection from the Gillespie County Attorney, and
- Must have written consent of the defendant and the parent. (CCP Art.45.057 (a) – Parent “includes a person standing in parental relation, a managing conservator, or a custodian.)

***Effective Date of Plan: January 1, 2025***

## ***Types of Cases Eligible for Diversion***

The court must divert any fine-only misdemeanor alleged to have been committed by an eligible defendant, ***other than traffic offenses*** (as defined by Chapter 521 of Transportation Code or any Rules of the Road offense).

## ***Overview of Plan***

When a youth allegedly runs afoul of the law and charges are leveled against that youth, this Plan is designed to intervene to provide strategies and services which may provide helpful assistance in the hopes of averting further interactions with the legal system. The Plan will be specific to each individual youth. The Plan will be memorialized in a written agreement which must be signed by the youth and a parent. The Agreement will divert and halt the prosecution of charges which have been leveled against the youth and the pending charges will be dismissed at the onset. The Agreement will be for a set time as determined by the Youth Diversion Coordinators but will be no longer than 180 days. A copy of the executed Agreement must be provided to the child, the parent, the clerk of the court, the Youth Diversion Coordinators, and any other person specified in the executed Agreement.

The Agreement will be monitored by the Youth Diversion Coordinators who will keep in contact with the service providers, the youth, and/or the parents of the youth, to verify that the requirements of the Agreement are being administered and followed. This will include the Youth Diversion Coordinators taking an active role in communicating with any providers, the youth and the parent.

Participation in this Plan and execution of the Agreement is not an admission of any guilt, and no plea is required to participate. Participation is also voluntary, and the child and the parent will be notified of the child's rights, including the right to refuse the Diversion Plan. The child must knowingly and voluntarily consent to participate in the Plan, and the signatures of both the child and the parent are required to invoke the rights under this Plan.

## ***Plan Strategies***

Plan strategies and interventions include, but are not limited to, any teen court program, any school related program, other educational program such as alcohol, drug, or tobacco programs, rehab therapy, self-improvement programs, referring the youth to a service provider addressing (among other things) at-risk youth services, juvenile case manager services, work and job skills training, academic monitoring and/or tutoring including GED prep, community-based services, mental health screening and/or clinical assessment, private or in-school counseling, mentoring services, ordering the child to pay restitution on property offenses not to exceed \$100, ordering the child to perform community service up to 20 hours, or ordering the child and/or parent to perform any other reasonable action.

## ***Possible Outcomes***

A successful completion of the Agreement will bar the charges leveled against the youth being revived and prosecuted. The records associated with the youth will be automatically expunged when the youth turns 18 years of age. The Court may, at its discretion, amend or set aside certain terms to the Agreement, may extend the diversion period not to exceed one year from the initial start date, order the parent to perform any reasonable act or refrain from any reasonable act, continue any scheduled hearing for up to 60 days, and make a determination that the diversion was successful or unsuccessful.

An unsuccessful completion of the Plan may result in the case being referred for prosecution.

The Court maintains jurisdiction over the case for the period of the Agreement.

## ***Plan Records***

The Youth Diversion Coordinators shall maintain records on all Plans for three years, and shall keep a permanent, statistical file on all successful and unsuccessful Plans.

## ***Youth Diversion Coordinator Contact Information***

Court Coordinator, Precinct Two

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