

YOUTH DIVERSION PLAN § IN THE JUSTICE COURT
 § PRECINCT 1
 § ATASCOSA 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 “Atascosa County Justice of the Peace Precinct 1 Youth Diversion Plan” or “*Diversion Plan*”.

IT IS FURTHER ORDERED that the Plan 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, Prosecutor and the Youth Diversion Coordinator, Clerk Staff from the Justice Court, Pct 1 and Camino Real Community Services Substance Use Outpatient Program 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 *Diversion Plan* shall be maintained on file for public inspection.

THIS PLAN WILL BECOME EFFECTIVE JANUARY 1, 2025.

SIGNED AND ENTERED on this 26th day of December, 2024


Judge PCT-1



ATASCOSA COUNTY JUSTICE OF THE PEACE 1 – YOUTH DIVERSION PLAN

Description

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.

The Youth Diversion Plan allows a child the opportunity to complete a Youth Diversion plan with realistic and reasonable terms, set by the JP/ Municipal Court Judge or the Youth Diversion Coordinator, Prosecutor and the Youth Diversion Coordinator, Clerk Staff from the Justice Court, Pct 1 and Camino Real Community Services Substance Use Outpatient Program. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, and/or restitution, etc. A child’s participation is voluntary and requires the child to accept responsibility for his or her conduct and engage in a diversion agreement.

The Juvenile Case Manager or Youth Diversion Coordinator will monitor the child’s compliance throughout their participation in the program which may run up to 180 days. 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, the JP/Municipal Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may transfer the child to a juvenile court or formally file the charge against the child for criminal prosecution, with the prosecutor’s approval.

If it is determined that more time is necessary for a young person to successfully complete the diversion, a diversion contract can be extended and/or adjusted.

I. ELIGIBILITY

A child shall be diverted from formal criminal prosecution if the child meets the eligibility requirements of ***Texas Code of Criminal Procedure, Art. 45.304 – Diversion Eligibility***. The following are eligibility requirements:

1. Must not have had an unsuccessful diversion.
2. Must not have had a successful diversion in the previous 365 days
3. The prosecuting attorney does not object to the diversion
4. Both the parent and child agree by written consent to the diversion

A child that is eligible under this section, wishes to take the case to trial, and the judge or a jury determines the evidence would support a finding of guilt, the court shall provide the child and the child's parents the opportunity to accept placement in a diversion instead of entering an adjudication of guilt.

If the child and the child's parents chose to accept the opportunity for diversion, the court shall place the child in the diversion plan. However, if the child and the child's parents decline to accept the diversion opportunity, the court shall find the child guilty and proceed to sentencing.

II. DIVERSION STRATEGIES

Diversion strategies include, but are not limited to the following, and may be imposed under an intermediate diversion under *Texas Code of Criminal Procedure, Art. 45.309*; or by a justice or judge under *Texas Code of Criminal Procedure, Art. 45.310*, or a system of graduated sanctions for certain school offenses under *Texas Education Code 37.144*:

1. School-related program
2. Educational Program
 - a) Alcohol awareness program
 - b) Tobacco awareness program
 - c) Drug education program
3. Rehabilitation program
4. Self-Improvement Program (related to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution.
5. Referral of child to a service provider for services related to:
 - a) At risk youth
 - b) Work and job skills training, including job interviewing and work preparation
 - c) Academic monitoring or tutoring, including preparation for a high school equivalency examination administered under section **7.11 of the Texas Education Code**.
6. Community-Based Services
7. Mental Health Screening and Clinical assessment - Requires additional court order
8. Counseling, including private or in-school counseling
9. Mentoring Services
10. Participation in mediation or other dispute resolution processes
11. Submit to drug or alcohol testing
12. Requiring a child to:
 - a) Participate in mediation or other dispute resolution processes

- b) Submit to alcohol or drug testing
 - c) Substantially comply with a physicians or other licenses medical or mental health professional's course of treatment
13. Requiring a child, by court order, to:
- a) Pay restitution not to exceed \$100 for an offense against property under ***Title 7, Penal Code***
 - b) Perform not more than 20 hours of community service
 - c) Or perform any other reasonable action determined by the court.

III. PROHIBITED STRATEGIES

A diversion strategy may not require a child who is a home-schooled student, as defined by ***Section 29.916 of the Texas Education Code***, to:

1. Attend an elementary school or secondary school, or
2. Use an educational curriculum other than the curriculum selected by the parent.

IV. AGREEMENT WITH SERVICE PROVIDER

This section left blank for further resources with a potential service provider.

V. YOUTH DIVERSION COORDINATOR

The Youth Diversion Coordinator for this court is designated as Judge, Youth Diversion Coordinator, Court Clerk, Juvenile Case Manager, Prosecutor, Camino Real Community Services Substance Use Outpatient Program, and is responsible for the following:

1. Determine whether the child is eligible to participate in the plan.
2. Employing strategies authorized by this plan
3. Presenting and maintaining diversion agreements
4. Monitoring diversions
5. Maintaining records regarding whether one or more diversions were successful or unsuccessful.
6. Coordinating referrals to the court.

VI. DIVERSION AGREEMENT

A diversion agreement must identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under ***Texas CCP 45.309 or 45.310***.

VII. INTERMEDIATE DIVERSION

A charge referred to this court, but has not been filed, is eligible for intermediate diversion. The Judge, Prosecutor and the Youth Diversion Coordinator, Clerk Staff from the Justice Court, Pct 1 and Camino Real Community Services

Substance Use Outpatient Program shall advise the child and the child's parents before the case is filed that the case may be diverted under this plan for a period not to exceed 180 days. The child must be eligible under the guidelines in the ***Texas Code of Criminal Procedure and Section III*** of this plan.

VIII. DIVERSION BY JUDGE

If a charge is filed with the court, and the child is eligible for diversion, the Judge shall divert the case under ***Texas Code of Criminal Procedure 45.310***. The child must be eligible under guidelines in the ***Texas Code of Criminal Procedure and Section III*** of this plan.

IX. REFERRAL TO COURT

The court shall conduct a non-adversarial hearing for a child that does not successfully complete the terms of the diversion, and the case is referred to the court. This hearing is designed for the judge to address the child and the child's parents to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child for the court to determine what is in the best interests of the child and the long-term safety of the community. The court has options on how to proceed depending on the outcome of the hearing pursuant to ***Texas Code of Criminal Procedure 45.311 – Referral to Court***.

X. DIVERSION ADMINISTRATIVE FEE

The clerk of this court may collect a \$50 administrative fee to defray the cost of the diversion of the child's case under this plan. However, the fee may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court. The Court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee. If the parent is ordered to pay and is determined to have sufficient resources and is not deemed indigent, and fails to pay, this is enforceable against the party by contempt.

XI. DIVERSION RECORDS – EXPUNGMENT

This plan requires the court to maintain statistical records for each strategy authorized by this chapter. Other than statistical records, all other records generated under this plan and the ***Texas Code of Criminal Procedure*** or confidential pursuant to ***Art. 45.0217 – Texas Code of Criminal Procedure***. All records of a diversion pertaining to a child under this plan shall be expunged without the requirement of a motion or request, on the child's 18th birthday.

XII. LIABILITY

See *Texas Code of Criminal Procedure Art. 45.049 (f) and (i)*

XIII. STATE LAW CITATION

Refer to *Texas Code of Criminal Procedure, Chapter 45, Subchapter E – Youth Diversion.*

APPENDIX “A”
DIVERSION STRATEGY RESOURCES

1. ONLINE EDUCATIONAL OPPORTUNITIES

a. 3RD MILLENNIUM

i. <https://3rdmil.com/>

b. COURSE FOR COURT.COM

i. <https://courseforcourt.com>

c. TEXAS COURT CLASSES

i. <https://texascourtclasses.com/court-ordered-classes/>

d. TEXAS DEPARTMENT OF LICENSING AND REGULATION

i. <https://www.tdlr.texas.gov/court-ordered/>

2. Camino Real Community Service Substance Use Outpatient Program

**JUSTICE COURT
2136 SECOND STREET
PLEASANTON, TX 78064
Phone: (830) 569-2801**



**JUSTICE OF THE PEACE
PRECINCT NO. 1
ATASCOSA COUNTY, TX
Fax: (830) 569-2829**

THE STATE OF TEXAS

**Atascosa County Juvenile Case Management Youth Diversion Program
Memorandum of Understanding**

**Atascosa County Juvenile Case Management Youth Diversion Program &
Camino Real Community Services Substances Use Outpatient Program.**

This Memorandum of Understanding (MOU) will serve to document an understanding between the Atascosa County Juvenile Case Management Youth Diversion Program and Camino Real Community Services Substances Use Outpatient Program in a joint effort toward collaboration and coordination of services for youth participating under a Youth Diversionary Agreement.

Atascosa County Juvenile Case Management Youth Diversion Program and Camino Real Community Substance Use Outpatient Program both agree that Atascosa County Juvenile Case Management Youth Diversion Program will be responsible for:

- Referrals to Provider to meet specific client needs.
- Understanding the voluntary nature of participation in the services by clients and notifying the provider of any circumstances that may affect the client's ability to participate in services.
- Provide brochures and business cards regarding services to potential clients.

- Provide sufficient information in the referral to the provider including “Consent for release of information” between the Atascosa County Juvenile Case Management Youth Diversion Program and the provider, signed by the parent/guardian as required by law.
- Establish secure communication with provider 5 business days following referral sent, if no response from provider.
- Coordinate with the Provider to facilitate service delivery and monitor compliance.

Atascosa County Juvenile Case Management Youth Diversion Program agree that Camino Real Community Substance Use Outpatient Program will be responsible for:

- Provide services at no cost to the client, or if necessary, bill the client directly, not to exceed statutory limits. Atascosa County Juvenile Case Management Youth Diversion Program will not be obligated for any of the costs related to the services.
- Ensure compliance with the MOU by informing its personnel of the terms of this MOU and the procedures to be followed in provision of services.
- Provide scheduled written updates to the client, the client’s parents and the Youth Diversionary Coordinator on the participation and progress being made by each client referred to and receiving services.
- Email the Youth Diversionary Coordinator within 24 hours of receipt of referral to acknowledge received and notify when client intake appointments are scheduled.
- Obtain from prospective client and/or client’s parent/guardian, a signed release of information form permitting Provider to speak to and share information with Atascosa County Juvenile Case Management Youth Diversion Program staff.
- Adhere to all HIPPA laws and Federal CFR 42 confidentiality guidelines.
- Ensure that services are available per Provider agreed- upon schedule.
- Provider assurances that all due diligence is performed to ensure the safety of the client.

- Immediately inform Atascosa County Juvenile Case Management Youth Diversion Program in writing of client misconduct.

This MOU does not create and is not intended to create a binding legal or contractual obligation but is intended to establish a general guideline for discussion between Atascosa County Juvenile Case Management Youth Diversion Program and Camino Real Community Services Substances Use Outpatient Program regarding an agreement on service delivery.

The terms of this MOU shall be effective January 1, 2025, through January 1, 2027.

Veronica A. Sanchez, Executive Director
Camino Real Community Services

Veronica A. Sanchez
Signature

12-20-2024
Date

Justice Of The Peace PCT-1
Authorized Agency Representative/Title

Felix Hernandez
Signature

12/26/2024
Date

