Justice of the Peace
Judge Jan Morrow
Wise County, Precinct One

WISE COUNTY JUSTICE COURT, PRECINCT 1 YOUTH DIVERSION PROGRAM

I. 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 Justice of the Peace, Precinct 1 Judge or the Court Clerk. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, report card, restitution and/or paying a $50.00 administrative fee.

The Court Clerk 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 Justice Court, Precinct 1 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 diversion, a diversion contract ca be extended and/or adjusted.

II. Eligibility

1. The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense.
2. A child has not entered into a diversion agreement in the past 365 days.
3. A child is not eligible for diversion if the child previously had an unsuccessful diversion.
4. A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.

5. A child may not be diverted from criminal prosecution without the consent of the child and child's parent/guardian.
6. The child is **at least 10 years** of age and younger than **17 years of age**.

III. **Youth Diversion Goals**

1. Prevent formal criminal prosecution.
2. Empower the child to accept responsibility for his/her actions.
3. Encourage acceptance of their consequences.
4. Deter future criminal conduct.
5. Prevent creation or extension of criminal records.
6. Reduce the reoccurrence of problem behaviors lead to gateway misdemeanors.
7. Avoid currency punishments for youth and their parent/guardians with limited financial resources.

IV. **Youth Diversion Plan**

1. Bring together participants (e.g., child and parent(s)/guardian, Judge, Court Clerk, prosecutor, etc.)
2. Conduct a meeting and review charge(s).
3. Ensure the child and parent(s)/guardian understand participation is not an admission of guilty and is voluntary.
4. Discuss the best course of action for the diversion plan.
5. Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement.
6. The child and parent(s)/guardians accept and sign the individualized, written diversion agreement. The agreement will include the term(s) of compliance, duration of the agreement, and the date by which conditions must be met. These terms and conditions will be set on a case by case basis.

V. **Strategies**

The court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter #. Youth Diversion, Art. 45.305, which include but are not limited to:

1. Require a child to participate in a court approved teen court program.
2. Perform Community based services at a non-profit organization or government agency that provides services to the general public that enhances the social welfare and general well-being of the community.
3. Attend a work and job skills training program.
4. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code.
5. Attend an alcohol, tobacco, or drug abuse program.
6. Partake in counseling, including private or in-school counseling.
7. Require the child to pay restitution for an offense against a property.
8. Require payment of a $50.00 administrative fee to be paid by the parent(s)/guardian.

VI. **Case Management**

During the diversion period, the Judge, Court Clerk, or Prosecutor will follow-up periodically for the sole purpose of evaluating program progress.
Follow-up measures may include:

1. Follow-up calls to the child and parent(s)/guardian.
2. Participants will check in with the Judge, Court Clerk, or Prosecutor by email, call or completing a form at varying intervals which will be determined on a case by case basis.
3. Contacting the Community Service provider.
4. Communication with school officials.
5. Conduct additional meetings as needed.
6. Referrals to educational classes and community service providers.

VII. **Conclusion of Case**

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution and is reported as successfully completed. Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court will:

1. Conduct a non-adversarial hearing.
2. Determine if an extension period should be granted to comply with the diversion agreement.
3. Review terms of the diversion agreement and amend if needed.
4. Transfer the child to Juvenile Court.
5. Refer the charges to the prosecutor for filing consideration.
6. Issue an order of contempt against the parent(s)/guardian.