

# **YOUTH DIVERSION PLAN JUSTICE OF THE PEACE HUTCHINSON COUNTY, TEXAS**

**Purpose:** The purpose of this Youth Diversion Plan is to protect and preserve the interests of Texas youth who have run afoul of our nontraffic 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 inspection.

**Youth Diversion Plan Coordinators:** Clerk Staff from Justice Court

**Plan Qualifications:** A youth must be 17 years of age or younger at the time he/she allegedly committed the nontraffic offense, and shall not have had a prior unsuccessful Diversion Plan. The youth must not have signed a Diversion Plan within 12 months prior to the commencement of a new Plan.

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

**Overview of Plan:** When a youth allegedly runs a foul of the law and charges are levied 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 levied 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 Plan Coordinators, but will not exceed 180 days. A copy of the executed Agreement must be provided to the child, the parent, the clerk of the court, the Youth Diversion Plan Coordinators, and any other person specified in the executed Agreement.

The Agreement will be monitored by the Youth Diversion Plan 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 Plan Coordinators taking an active role in communicating with any providers, the youth and the parent.

**Participation in the 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.

This Plan will be invoked if and when charges are brought against the youth who qualifies, thus making this a plan where diversion occurs in court.

**Possible Outcomes:** A successful completion of the Agreement will bar the charges levied 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 Plan Coordinators shall maintain records on all Plans for three years, and shall keep a permanent file on all successful and unsuccessful Plans.

**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.

**Plan Monitoring:** The Plan shall be monitored by the Youth Diversion Plan Coordinators for compliance. It is expected that all participating youth and parents will comply with all requirements imposed by the Court and/or the Youth Diversion Plan Coordinators. Failure to do so may result in an unsuccessful determination.