

# **Bandera County Youth Diversion Plan** **for Justice of the Peace and Municipal Courts**

The Bandera County Youth Diversion Plan is designed to provide an alternative to traditional court proceedings for eligible youth offenders. This program adheres to Texas H.B. 3186 and is structured in accordance with Article 45.306(b) of the Texas Code of Criminal Procedure. The program aims to reduce recidivism, promote accountability, and provide educational and rehabilitative opportunities for youth.

## **Objectives**

1. **Reduce Recidivism:** Minimize repeat offenses among youth by providing constructive interventions.
2. **Promote Accountability:** Encourage youth to take responsibility for their actions through community service and restitution.
3. **Enhance Life Skills:** Provide educational resources and support to develop positive life skills.
4. **Improve Community Relations:** Foster better relationships between youth and law enforcement, community members, and the judicial system.
5. **Support Families:** Engage families in the diversion process to promote a supportive home environment.

## **Eligibility**

The Youth Diversion Program applies to, as per Art. 45.304 Diversion Eligibility:

- A child is eligible to enter into a diversion agreement under this subchapter only once every 365 days.
- A child is not eligible for diversion if the child has previously had an unsuccessful diversion under this subchapter.
- A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.
- A court may not divert a child from criminal prosecution as provided by this subchapter without the written consent of the child and the child's parent.

The definition of a child as per Art. 45.301 (2) has the meaning assigned by Art 45.058 (h).

- at least 10 years of age and younger than 17 years of age

## **Youth Diversion Goals**

The Bandera County Justice of the Peace and Municipal Court Youth Diversion Plan goal is to provide youth with the opportunity for rehabilitation and growth, steering them away from the criminal justice system while fostering community involvement and personal accountability. Through a structured approach, we hope to support our youth in becoming positive, productive members of society.

## Court Youth Diversion Plan & Diversion Agreement

1. Bring together participants (e.g., child and parent(s)/guardian), Judge).
2. Conduct a meeting and review charge(s).
3. Ensure the child and parent(s)/guardian understand participation is not an admission of guilt 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 term(s) of compliance, duration of the agreement, and a date by which conditions must be met. (These terms and conditions will be set on a case-by-case basis).

## Diversion Strategies

The court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which include:

- (1) requiring a child to participate in a program, including:
    - (A) a court-approved teen court program operated by a service provider;
    - (B) a school-related program;
    - (C) an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program;
    - (D) a rehabilitation program; or
    - (E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;
  - (2) referring a child to a service provider for services, including:
    - (A) at-risk youth services under Subchapter D, Chapter [264](#), Family Code;
    - (B) juvenile case manager services under Article [45.056](#);
    - (C) work and job skills training, including job interviewing and work preparation;
    - (D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section [7.111](#), Education Code;
    - (E) community-based services;
    - (F) mental health screening and clinical assessment;
    - (G) counseling, including private or in-school counseling; or
    - (H) mentoring services;
  - (3) requiring a child to:
    - (A) participate in mediation or other dispute resolution processes;
    - (B) submit to alcohol or drug testing; or
    - (C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and
  - (4) 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; or
    - (C) perform any other reasonable action determined by the court.
- (b) A diversion strategy may be imposed under:

- (1) an intermediate diversion under Article [45.309](#);
  - (2) a diversion by a justice or judge under Article [45.310](#); or
  - (3) a system of graduated sanctions for certain school offenses under Section [37.144](#), Education Code.
- (c) A diversion strategy under this subchapter may not require a child who is a home-schooled student, as defined by Section [29.916](#), Education Code, to:
- (1) attend an elementary or secondary school; or
  - (2) use an educational curriculum other than the curriculum selected by the parent.

## **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 the 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.