



## **YOUTH DIVERSION PLAN JUSTICE COURTS OF FRIO COUNTY, TEXAS**

In accordance with Title 1, of the Texas Code of Criminal Procedure, Chapter 45, Subchapter E, the Justice Courts of Frio County, Texas, have adopted this Youth Diversion plan, effective January 1<sup>st</sup>, 2025. This plan provides that an eligible child, at least ten (10) years of age and younger than seventeen (17) years of age, that has been referred to a Frio County Justice Court for engaging in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense, be afforded the opportunity to enter into a diversion agreement prior to disposal of the aforementioned misdemeanor.

Each Frio County Justice Court Judge will designate a Youth Diversion Coordinator who will advise the child and the child's parent/guardian/custodian before a case is filed, so that the case may be diverted for a reasonable period not to exceed 180 days if;

- a. The child is eligible;
- b. Diversion is in the best interest of the child and promotes the long-term safety of the community;
- c. The child and parent/guardian/custodian consent to the diversion with the knowledge that it is optional; and
- d. The child and parent/guardian/custodian are informed that they may terminate the diversion at any time, and if terminated, the case will be referred to court.

Diversion eligibility will be determined using the following guidelines:

- a. A child is eligible to enter into a diversion agreement only once every 365 days;
- b. A child is not eligible for diversion if the child has previously had an unsuccessful diversion under Subchapter E;
- c. A child is not eligible for diversion if a diversion is objected to by the prosecutor;
- d. A court may not divert a child from criminal prosecution without the written consent of the child and the child's parent/guardian/custodian.

A diversion agreement may be entered into before charges are filed before the court defined as, intermediate diversion, or after charges are filed defined as, diversion by judge. In either instance, the diversion agreement will contain the specific responsibilities of the child and parent/guardian/custodian

to ensure their meaningful participation. The Youth Diversion Coordinator will review the terms and conditions of the diversion agreement, including possible outcomes or consequences of a successful or unsuccessful diversion, and provide copies to the child and parent/guardian/custodian. A Local Youth Diversion Administrative Fee of \$50 may be collected from the parent/guardian/custodian as a condition of the diversion agreement.

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.

The clerk of the court shall keep a record of the fees collected under Article 45.312, and ensure that the fees are deposited into a special account that can only be used to offset the cost of operations of the Youth Diversion Program.

The Youth Diversion Coordinator responsibilities will include, but are not be limited to:

- a. Monitor for compliance
- b. Ensuring all diversion documentation is complete and reported in a timely manner;
- c. Facilitating referrals to the appropriate agencies for services;
- d. Assisting in the collection of the Local Youth Diversion Administrative Fee, if the fee is imposed;
- e. Facilitating the completion by the child of no more than twenty (20) hours of Community Service Restitution, if assessed;
- f. Providing copies of all diversion agreements and relevant information to the child and parent/custodian.

Participation in the diversion agreement is not an admission of guilt and a guilty plea is not required to participate. If the child does not comply with the terms of the diversion agreement, the child may be referred to court for a non-adversarial hearing. After said hearing, the court may enter an order:

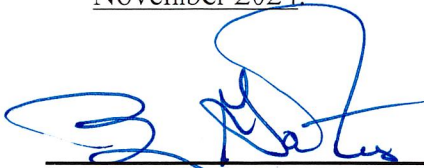
- a. Amending or setting aside terms in the diversion agreement;
- b. Extending the diversion for a period not to exceed one (1) year from the initial start date of the diversion;
- c. Issuing a continuance for the hearing for a period not to exceed sixty (60) days to allow an opportunity for compliance with the terms of the diversion;


- d. Subject to Article 45.311 (d), requiring the parent/guardian/custodian to perform or refrain from performing any act the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;
- e. Finding the diversion successful on the basis of substantial compliance; or
- f. Finding the diversion unsuccessful and:
  - 1) Transferring the child to juvenile court for alleged Conduct Indicating a Need for Supervision (CINS) under Section 51.08 of the Texas Family Code;
  - 2) Referring the charge to the prosecutor for consideration of re-filing.

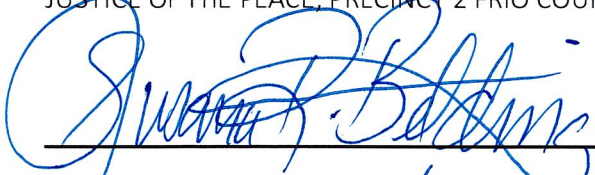
All Frio County Justice Courts will maintain statistics for each diversion strategy authorized by Subchapter E.

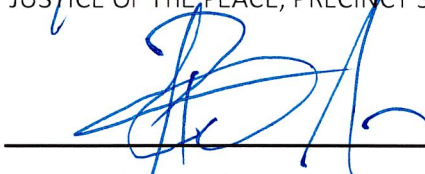
- In addition, all records of a diversion pertaining to a child under Subchapter E will be expunged without the requirement of a motion or request, on the child's eighteenth (18<sup>th</sup>) birthday.

The below-signed judges hereby agree to the Youth Diversion Plan as presented on this 13<sup>th</sup> day of November 2024.

  
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JUSTICE OF THE PEACE, PRECINCT 1 FRIO COUNTY, TEXAS

  
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JUSTICE OF THE PEACE, PRECINCT 2 FRIO COUNTY, TEXAS

  
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JUSTICE OF THE PEACE, PRECINCT 3 FRIO COUNTY, TEXAS

  
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JUSTICE OF THE PEACE, PRECINCT 4 FRIO COUNTY, TEXAS