TARRANT COUNTY
JUDGE MARY TOM CURNUTT
JUSTICE OF THE PEACE, PRECINCT 2

YOUTH DIVERSION PLAN

EFFECTIVE DATE OF PLAN: JANUARY 1, 2025

A COPY OF THIS YOUTH DIVERSION PLAN SHALL BE MAINTAINED ON FILE FOR PUBLIC PURPOSES.

THE PURPOSE OF THIS YOUTH DIVERSION PLAN IS TO PROTECT AND PRESERVE THE INTERESTS OF TEXAS YOUTH WHO HAVE RUN AFOUL OF OUR 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.

	§	**IN THE JUSTICE COURT**
YOUTH DIVERSION PLAN	§	**PRECINCT 2**
	§	**TARRANT 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 "***Tarrant County Justice of the Peace Precinct 2 Youth Diversion Plan***" or "***Youth 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 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 _____ day of _____, 20____

_____

Judge Mary Tom Curnutt

YOUTH DIVERSION COORDINATORS:
Justice Court, Precinct 2 Court Staff.

APPLICABILITY:
This plan applies to a child that is alleged to have engaged in conduct that constitutes a misdemeanor punishable by a fine only, other than a traffic offense. This plan does not prohibit a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under ***Title 3, Family Code,*** or a waiver of jurisdiction and transfer of a child's case as provided by ***Section 51.01 of the Texas Family Code***.

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; and
4. Both the parent and child agree by written consent to the diversion.

When a child who 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.

DIVERSION ADMINISTRATIVE FEE:
The court may collect from a child's parent (not the child) a $50 Local Youth Diversion Administrative Fee to defray the costs of the diversion, but only if the fee is an accepted term in the diversion agreement. The fee must be waived if the parent is indigent or does not have sufficient resources or income to pay the fee, and a court may adopt rules for waiver of the fee for financial hardship. ***Code of Criminal Procedure Art. 45.312(c),(d)***. If the parent is able to pay but fails to do so after being ordered to pay, the court may enforce the order by contempt. ***Code of Criminal Procedure Art. 45.312(b).***

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 Section 37.144***. 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.

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.

DIVERSION AGREEMENT:

Diversion coordinator will document the written diversion strategy and go over the details with both the youth and the guardian. Once youth and guardian understand the plan and what is required of them to be successful, they will sign the agreement.

RESOURCES, REFERRALS, AND SERVICE PROVIDER FORMS:

Coordinator will provide the child and parent with the necessary tools and resources including the list of service providers who can assist in helping them successfully complete the items on the written Youth Diversion Agreement.

JUDICIAL DIVERSION:

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 Art. 45.310.*** The child must be eligible under guidelines in the ***Texas Code of Criminal Procedure*** and ***Section III*** of this plan.

POSSIBLE OUTCOMES:

1. A SUCCESSFUL COMPLETION OF THE AGREEMENT will bar the charges leveled against the youth from being revived and prosecuted. 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.
2. AN UNSUCCESSFUL COMPLETION OF THE AGREEMENT may result in the case being referred for prosecution. The Court maintains jurisdiction over the case for the period of the Agreement.

DIVERSION PLAN RECORDS:

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*** are confidential pursuant to ***Art. 45.0217 of the 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.