



Cleveland Municipal Court

Juvenile Diversion Plan

Texas Youth Diversion & Early Intervention Act- HB3186

Effective Date : January 1, 2025

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Cleveland Municipal Juvenile Diversion Plan

Purpose

In the wake of recent tragedies, awareness in the Texas Legislature has increased about the importance of identifying and responding to at-risk youth and youth living with mental illness.¹ In addition to these concerns, Liberty County in recent years has experienced its own influx of juvenile cases being referred to the justice courts due to changing demographics.

Under current law, youth diversion strategies can only be ordered by a municipal or justice court on the back end of a case as part of a conviction or a deferred disposition. The Texas Youth Diversion and Early Intervention Act (HB3186) was enacted to make diversion strategies more effective by providing for the referral of certain children to youth diversion services without requiring a criminal adjudication.

In accordance with HB3186, the Municipal Court Juvenile Diversion Plan outlines the goals, requirements, and procedures that every justice and municipal court will be required to adopt and implement for the diversion of criminal prosecution for a juvenile who has committed an alleged fine-only misdemeanor other than a traffic offense.²

Goals of Diversion

The primary intended outcome of the Municipal Court Juvenile Diversion Plan is the prevention of recidivism and additional contact with law enforcement; however, these programs can offer many benefits including:

- Diversion cases will be dismissed upon completion of the program.
- An automatic expunction will occur upon the participant's 18th birthday without the requirement of a motion or request.³
- There will not be a conviction or prosecution on record.
- A participant will not enter a plea.
- A diversion program can empower and unlock hidden potential within the juvenile.
- Improved relationships can occur between youth and their family, law enforcement, and the community.
- Youth will be provided with opportunities to connect to various services within the community.
- Youth diversion can help produce an economic benefit by being more cost effective than standard processing.⁴

¹88° HB 3186 – ENROLLED VERSION – BILL TEXT (TEXAS.GOV)

²88° HB 3186 – ENROLLED VERSION – BILL TEXT (TEXAS.GOV)

³HB 3186 ART.45.313(c)

⁴DIVERSION IN THE JUVENILE JUSTICE SYSTEM (NCSL.ORG)

Eligibility

A Juvenile offender shall be diverted from formal criminal prosecution if the following are met:

- (1) A juvenile is eligible to enter into a diversion agreement only once every 365 days;
- (2) A juvenile is not eligible for diversion if the child has previously had an unsuccessful diversion;
- (3) The attorney representing the state does not object to the diversion; and
- (4) The juvenile and juvenile's parents must provide written consent;⁵

Types of Diversion

Intermediate Diversion: Intermediate diversion occurs after a charge involving an eligible juvenile is filed or after a trial involving an eligible juvenile results in a verdict or finding of guilt. A youth diversion coordinator or juvenile case manager must advise the juvenile and the parent about the option of intermediate diversion before a case is filed that the case may be diverted for a reasonable period not to exceed 180 days if:⁶

- The juvenile would be eligible for diversion under Article 45.304;
- The juvenile and the juvenile's parent are informed that they may terminate the diversion at any time and, if terminated, the case will be referred to court.

Note: The terms of the diversion agreement would have to be in writing and upon successful completion, the case would be closed and reported as successful to the court. If the juvenile is not compliant with the diversion program, the case would be referred to the court for a hearing.

Diversion by Justice or Judge: : If a charge involving a juvenile who is eligible for diversion is filed with a court, a judge or justice shall divert the case after a period not to exceed 180 days in one of two ways:

1. If the juvenile does not contest the charge, a judge or justice must divert the case without the juvenile having to enter a plea; or
2. If the juvenile contests the charge, a judge or justice must divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction.

Note: The terms of the diversion agreement would have to be in writing and upon successful completion, the case would be closed and reported as successful to the court. If the juvenile is not compliant with the diversion program, the case would be referred to the court for a hearing.

Additional Court Related Procedures: In a juvenile case that resulted in trial, a municipal court would be required to provide the juvenile and their parents the opportunity to accept placement in diversion instead of entering an adjudication of guilt. If the juvenile and their parents accept, the court would be required to place the juvenile in a diversion program. If the juvenile and their parents decline diversion, the court would find the juvenile guilty and proceed to sentencing.⁷

⁵Code of Criminal Procedure Art. 45.304

⁶ Code of Criminal Procedure Art. 45.309(a)

⁷ Code of Criminal Procedure Art. 45.041

Diversion Strategies

The framework behind the Cleveland Municipal Juvenile Diversion Plan is designed to highlight areas that facilitate growth within the participant. Primary factors to consider while developing a diversion agreement with juvenile offenders are ensuring that it is practical, safe, attainable, and in the best interest of the child. While a specific model and strategy may be beneficial to one participant, it may not be beneficial to another. The objective of early intervention is to keep at-risk youth from going deeper into the criminal justice system. Experts believe that early identification and intervention can lower relapses, system involvement, and give youth access to needed services.⁸

Diversion tasks can include:

- Community service for a non-profit organization (not to exceed 20 total hours)
- Skill building and life skills training
- Self-improvement or leadership programs
- Essay writing
- Work/job skills training
- Drug or alcohol testing
- Youth coping and sensitivity training
- Restitution for property offenses equal to or less than \$100
- Alcohol or tobacco education programs
- Drug offender counseling
- Professional counseling⁸
- Caregiving for a non-family member
- Professional development
- Peer mentoring
- Criminal/victim awareness
- Required school attendance
- Educational assistance and counseling
- Lunch detention or lunch tutorials
- GED courses and completing the GED
- Saturday school

However, a diversion strategy may not require a child who is a home-schooled student to attend an elementary or secondary school, or use an educational curriculum other than the curriculum selected by the parent.

⁸<https://www.2024/01/03/house-bill-3186-creates-diversion-opportunities-at-rsk-youth/>

Youth Diversion Coordinator/ Juvenile Diversion Clerk

In furtherance of ensuring orderly administration of the Cleveland Municipal Juvenile Diversion Plan ⁹, each justice court will designate a court administrator or clerk to assist with the program. The individual designated for this role will work with outside resources to ensure compliance with this program, in addition to assisting with the following:

- Determining whether a child is eligible for diversion;
- Employing a diversion strategy;
- Presenting and maintaining diversion agreements;
- Monitoring diversions;
- Maintaining records regarding whether one or more diversions were successful or unsuccessful; and
- Coordinating referrals to court.

These duties may be performed by:

- A court administrator or court clerk;
- An individual that provides juvenile case manager services;
- A court-related services office;
- A community supervision or corrections department; including a juvenile probation department;
- A county or municipal employee, including a peace officer;
- A qualified non-profit organization as determined by the court;
- A community volunteer; or
- An institution of higher education, including a public, private, or independent institution of higher education.

Juvenile Diversion Fees

House Bill 3186 allows courts to collect a \$50 administrative fee from a child's parent for the cost of diverting a case. If a parent is facing hardship and is unable to pay, the court may waive this fee.

A parent or guardian seeking a waiver of fees must fill out an indigency affidavit before the court may consider waiving the fee.

⁹ Texas Code of Criminal Procedure Article 45.307 – Youth Diversion Coordinator (public.law)

Municipal Court
City of Cleveland

226 Peach Avenue
Cleveland, Texas 77327

ORDER ADOPTING A JUVENILE 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 "Cleveland Municipal Court Juvenile Diversion Program."

IT IS FURTHER ORDERED that the Program 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 Juvenile Judge, County Prosecutor and 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 Cleveland Municipal Court Juvenile Diversion Program shall be maintained on file for public inspection.

SIGNED AND ENTERED, the following Orders shall be adopted this 31 day of December, 2024.



JUDGE RALPH FULLER
CITY OF CLEVELAND MUNICIPAL COURT

