

WOLFFORTH MUNICIPAL COURT YOUTH DIVERSION PROGRAM

The following Youth Diversion Plan will hereafter be referred to as the “Wolfforth Youth Diversion Program” or “Program.” All words and phrases contained herein shall be construed according to the Texas Code of Criminal Procedure, where provided.

I. OBJECTIVE

The purpose of this program and its related procedures is to:

- A. Reduce recidivism and the occurrence of at-risk behavior through intervention without criminal adjudication.
- B. Identify at-risk juveniles utilizing a social service approach.
- C. Divert non-traffic offenses for children from criminal adjudication with an emphasis on strategies to promote accountability and responsibility of the child and the child’s parent(s), while promoting public safety and order.
- D. Collaborate with community resources available to achieve these objectives.

II. APPLICABILITY

This program will apply to any non-traffic related behavior that could be formally charged as a criminal offense against a child within the jurisdiction of the Court.

III. YOUTH DIVERSION COORDINATOR

The Wolfforth Municipal Court Clerk shall be designated as and hereinafter referred to as the Youth Diversion Coordinator.

IV. REFERRAL FOR DIVERSION PROGRAM

Non-school-related behavior that could be formally charged as a criminal offense within the jurisdiction of this Court may be submitted by referral, citation, or complaint as required by law.

School-related offenses shall be referred to the Court by the Frenship ISD Police Department, Wolfforth Police Department, and/or any other agency with the jurisdiction to file the offense in this Court. The referral shall include all school records requested by the Youth Diversion Coordinator or City Prosecutor, and any disciplinary history and measures.

V. INTAKE AND ELIGIBILITY

Upon review and without objection by the City Prosecutor, and with the written consent of the child and the child’s parent(s), a child is eligible for the diversion program once every 365 days, but only if he or she has not had a prior diversion plan determined to have been “unsuccessful”.

VI. DIVERSION EVALUATION

The City Prosecutor and Youth Diversion Coordinator shall collaborate to determine eligibility and devise a strategy to achieve the objectives of the program.

Resources may include but are not limited to community service, rehabilitation courses, academic monitoring, counseling, drug testing, self-improvement programs, services that improve empathy, the parent-child relationship, life skills, or any other service deemed necessary to achieve the objectives of the program.

VII. JUDICIAL DIVERSION

The Judge shall review all the information available and propose a case plan utilizing a strategy suitable for the rehabilitation of the child. If diversion is agreed upon by all parties, the Youth Diversion Coordinator shall review the proposed case plan with the child and parent(s), evaluate the parent-child relationship, consider parent input, or require the parent to participate in the case plan if appropriate.

- a. If a charge involving a child who is eligible for diversion is filed with the Wolforth Municipal Court, the Judge shall divert the case under Article 45.310 of the Code of Criminal Procedure as follows:
 - 1) If the child does not contest the charge, the Judge shall divert the case without the child having to enter a plea; or
 - 2) If the child contests the charge, the Judge shall divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041 of the Code of Criminal Procedure.
- b. A Judicial Diversion may not exceed 180 days.
- c. The terms of a Judicial Diversion agreement must be in writing and may include, but are not limited to, the following diversion strategies: community service, rehabilitation courses, academic monitoring, counseling, drug testing, self-improvement programs, services that improve empathy, the parent-child relationship, life skills, or any other service deemed necessary to achieve the objectives of Judicial Diversion.
- d. The case of a child who successfully complies with the terms of a Judicial Diversion agreement shall be closed and reported as successful to the court.
- e. A child who does not comply with the terms of a Judicial Diversion agreement shall be referred to court for a hearing under Article 45.311 of the Code of Criminal Procedure.

VIII. DIVERSION AGREEMENT

There shall be a written binding Diversion Agreement that contains the components required in the Texas Code of Criminal Procedure. The objectives shall consider the child's circumstances, be rationally relevant to the alleged conduct, be realistic to accomplish, and be in the best interest of the child and the community.

The written agreement shall contain the following components as required by law:

- A. An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
- B. The positive and negative consequences of successful completion of or failure to comply with the terms of the diversion agreement.
- C. An explanation that a guilty plea is not required, and that participation is not an admission of guilt.
- D. An explanation of the review and monitoring process of compliance with the diversion agreement.
- E. The agreed length of time for the diversion plan.
- F. The signatures of the child and parent indicating each's consent to diversion, and the understanding that diversion is optional. Notice that the child and/or the child's parent(s) may terminate the diversion at any time, and acknowledgment that upon termination, the case will be referred to the Court.

IX. REFERRAL TO COURT

If the City Prosecutor objects, the child and/or parent(s) decline, or the child does not successfully complete the Judicial Diversion Program, the case shall be set for a non-adversarial hearing before the Judge. The Judge will confer with all interested parties to determine what is in the best interest of the child, what protects the long-term safety of the community, and whether to:

- A. Declare the diversion unsuccessful, and/or
- B. Amend or set aside terms in the Diversion Agreement.
- C. Extend the diversion period not to exceed one year from the initial start date.
- D. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement.
- E. Require the parent(s) to perform any act, or refrain from performing any act, that the Court determines will increase the likelihood the child will successfully complete the diversion.
- F. Find substantial compliance and declare the diversion successfully completed.
- G. Refer the case to the City Prosecutor for filing.

X. COURT PROCEEDINGS

If the diversion is determined unsuccessful, or the child and/or parent(s) decline(s) the Diversion, upon filing of a complaint by the City Prosecutor, the case shall be set for a hearing before the Court.

XI. SUCCESSFUL COMPLETION

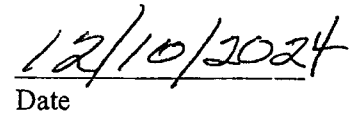
If the child completes the diversion successfully, the Youth Diversion Coordinator shall expunge the record on the child's 18th birthday.

XII. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE (LYDAF)

Under the authority of House Bill 3186, an administrative fee of \$50 shall be collected from a child's parent or guardian in all Diversion cases (whether Intermediate or Judicial) for the cost of diverting a case. If a parent or guardian is facing financial hardship, the Court may waive this fee.



Presiding Judge
Wolfforth Municipal Court



Date

