

**KELLY GREEN**  
**JUSTICE OF THE PEACE, PRECINCT TWO**

Justice Pct. 2 Court Building  
207 Fort Worth Highway

(By the Farmer's Market)  
Weatherford, Texas 76086



Civil/Administration  
682-229-2176  
Traffic (817)598-0496  
Collections 682-229-2171  
Fax 817-598-0476

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**Parker County Justice Court,**  
**Precinct Two Youth Diversion Plan**

**Purpose:**

House Bill 3186 was enacted during the 88<sup>th</sup> Legislative Session in 2023, essentially adding a new subchapter to Chapter 45 of the Code of Criminal Procedure allowing courts to divert criminal filings of offenders who are at least 10 years of age and younger than 17 years of age, who have allegedly engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense. Texas Code of Criminal Procedure Art. 45.302.

**Objectives:**

1. Identify and reduce offenses or behaviors likely to create bad habits in the future, without pursuing criminal charges in Justice or Municipal Courts.
2. Identify and support at-risk youth who may suffer with mental health issues, substance abuse challenges, or developmental disabilities and refer to early interventions services as outlined in Subchapter D, Chapter 264 of the Texas Family Code.
3. Focus on accountability and community safety through contact outside of adversarial hearings.
4. Encourage collaboration by strengthening partnerships between government entities, schools and nonprofit organizations to develop effective local strategies in the community.

**Program Types:**

1. **Intermediate Diversion** will be the primary means of the youth referral processing.
  - a. Referral, citation, complaint received by Youth Diversion Coordinator (YDC) from Law Enforcement
  - b. Youth and Parent/Guardian are notified by letter of potential diversion.
  - c. Complaint send to prosecutor for object to diversion.
  - d. Youth and Parent/Guardian contact court to schedule in-take evaluation.

- e. In-take process and eligibility determination checklist. YDC will meet with youth and their parent/guardian to determine eligibility for diversion using a checklist.
  - f. Questionnaire for early identification of sense of responsibility and other possible challenges faced by youth and parent/guardian and possibly an advanced questionnaire if challenges are revealed.
  - g. Strategy for success in completing the diversion program will be put in place based on questionnaire(s), offense to be added to the agreement.
  - h. YDC will document the written diversion strategy and go over details and tools chosen, along with any fees that may be assessed with the youth and parent/guardian, and upon understanding the plan for success, the youth and parent/guardian will sign the Diversion Agreement.
  - i. YDC will provide necessary tools and resources to complete the diversion strategy.
  - j. Successful completion of the Diversion Program will require all areas of the agreement to be met, will require proof of completion and the court will file a Dismissal of the Charge Pursuant to Diversion Agreement.
  - k. Unsuccessful Diversion: if the youth was no successful in completing the requirements in the timeframe agreed upon, the YDC will file a Referral to the Court to conduct a Hearing to determine if non-compliance with the Diversion Agreement should be entered and proceed with the criminal case.
2. **Judiciary Diversion** – If a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case as follows:
- a. If the child does not contest the charge, a justice or judge shall divert the case under this article without the child having to enter a plea; or
  - b. If the child contests the charge, a justice or judge shall divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction. If a referral is filed and becomes a case, the court will defer to Judiciary Diversion as the means of processing.
  - c. Strategy for success in completing the diversion program will be put in place based on questionnaire(s), offense to be added to the agreement.
  - d. YDC will document the written diversion strategy and go over details and tools chosen, along with any fees that may be assessed with the youth and parent/guardian, and upon understanding the plan for success, the youth and parent/guardian will sign the Diversion Agreement.
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Court to conduct a Hearing to determine if non-compliance with the Diversion Agreement should be entered and proceed with the criminal case.

### **Definitions**

- a. "Youth diversion plan" means a plan adopted under Article 45.306.
- b. "Charge" is defined as a formal or informal allegation of an offense, including a referral, citation, written promise to appear, complaint or pending complaint.
- c. "Court" is defined as a justice court, municipal court or other court governed by Chapter 45 of the Code of Criminal procedure.
- d. "Diversion" is defined as an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions.
- e. "Child" has the meaning assigned by Article 45.08(h)
- f. "Referral" is defined as a pre-filed "case," issued as a charge against a child.

### **Role of the Youth Diversion Coordinator:**

1. A court clerk will assume the role of Youth Diversion Coordinators for Parker County Precinct 2 Justice Court.
2. Duties performed by Youth Diversion Coordinator
  - a. Determining whether a child is eligible for diversion
  - b. Employing a diversion strategy
  - c. Presenting and maintaining diversion agreement,
  - d. Monitoring diversions,
  - e. Maintaining records regarding whether one or more diversions were successful or unsuccessful, and
  - f. Coordinating referrals to court

### **Diversion Strategies:**

1. Teen Court
2. Specialized supervision program
3. Mentoring Services
4. Academic Support
5. Therapeutic Services
6. Self-improvement programs

### **Funding Sources:**

1. Local Youth Diversion Fund - Article 45.312 authorizes the clerk of a court to collect from a child's parent a \$50 administrative fee to defray the cost of the diversion of the child's case. The fee shall not be collected unless specified as a term of the diversion agreement accepted by the child's parent.

### **Determining Outcomes:**

1. Successful compliance is defined as full completion of a primary or secondary diversion agreement, assessed by the court as applicable, for a child to complete for a referral or filed case, respectively.
2. Targeted completion rate for all assessed diversion agreements is 90%.
3. Statistical data will be compiled through a case management system and will be made available to the public upon request as outlined in statute requirements in Art. 45.313.
  - a. A justice or municipal court shall maintain statistics for each diversion strategy authorized by this subchapter.
  - b. Other than statistical records, all records generated under this subchapter are confidential under Article 45.0217.
  - c. All records of a diversion pertaining to a child under this subchapter shall be expunged without the requirements of a motion or request, on the child's 18<sup>th</sup> birthday.