

## **The City of Hill Country Village Youth Diversion Plan**

Youth diversion is an alternative approach to traditional justice processes, redirecting young people away from formal court proceedings and toward community-based interventions. Diversion reduces recidivism, minimizes the harm of criminal records, and helps youth develop into productive members of society by focusing on rehabilitation over punishment.

Diversion plans are typically designed to provide youth with experiences that are different from the traditional juvenile justice experiences. Diversion decisions and activities usually occur at the earliest stages of involvement in the juvenile justice system; however, diversion initiatives can be put in place at later stages of justice processing with the primary goal of reducing costly out-of-home placements.

The structure and operation of diversion programs vary, but the overall goals are typically the same: to address delinquent behavior informally in the community in an effort to prevent subsequent offenses. Some diversion programs are established to provide specialized programs to better meet the needs of youth with mental health and/or substance abuse concerns. Typical services provided for youth and families in diversion programs include one or more of the following:

- Screening and assessment
- Education and tutoring services
- Victim awareness classes and activities
- Service-learning programs
- Substance abuse education and counseling
- Job skills training
- Mental health treatment
- Crisis intervention
- Family counseling
- Parenting skill development
- Supports for rebuilding family relationships
- Quality recreation and organized sports programs

According to the National Center on Mental Health and Juvenile Justice, services delivered through diversion programs typically occur in the community either on school campuses, on community sites, or in the youth's home.

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The benefits of diversion programs have been well documented. Four of the major benefits of successful diversion programs are:

- Reduces premature involvement in the “deep end” of the juvenile delinquency system
- Reduces out-of-home placements, especially for younger children
- Maintains youth connectedness and engagement in the community by keeping youth in their environment
- Reduces costs as compared those associated with court processing and/or secure placement<sup>6</sup>

Diversion can be an integral part of any jurisdiction’s graduated continuum of options for youth already involved in or at risk of becoming involved in the juvenile justice system.

In recent years more research exploring the potential harms of diversion programs has been conducted as well, suggesting that continued work on the efficacy and implementation of diversion programming is necessary. Drawbacks of diversion programming may include: net widening (assigning diversion programming to youth who otherwise would not have been in contact with the justice system, rather than exclusively implementing diversion interventions on the target population of delinquent youth who without diversion efforts would be in the deep end of the juvenile justice system), increased recidivism due to the low-stakes consequences that youth perceive from diversion measures, and inequitable access to and use of diversion programming wherein Black and other non-White youth are disproportionately ushered into the formal juvenile justice system rather than being offered diversion programming to the extent of their White counterparts.

Enduring analysis of diversion-centered graduated sanctions continues, and the advancement of research on diversion programming best practices is both inevitable and necessary.

### **Diversion Strategies**

The possible strategies utilized for such diversion by the Municipal Court of the City of Hill Country Village will include the following:

- School-related programs
- Rehabilitation programs
- Educational programs (alcohol/drug awareness)
- Self-improvement programs
- Community service (court order)
- Tutoring
- Counseling
- Mentoring
- Alcohol/drug testing
- Course of treatment by health-care professional
- Any other reasonable strategy determined by the court (court order)

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### **Confidentiality**

All participants, including court and city personnel, shall maintain strict confidentiality. The Diversion Coordinator must maintain statistical data for diversion strategies and shall keep such records confidential. Upon the child's 18<sup>th</sup> birthday, the Diversion Coordinator shall take all steps to expunge the child's diversion records.

### **Office of Court Administration**

For Intermediate Diversion, there is no reporting to Office of Court Administration (OCA). If the diversion is by the judge, the OCA report will reflect "Dismissed by Prosecutor under the same case type and was reported as a new case."

Cases that are not diverted are reported in accordance with standard procedures.

### **Funding Sources**

The Local Youth Diversion Fund (LYDF): \$5.00 per violation, which is part of the Local Consolidated Fee.

Local Youth Diversion Administrative Fee: \$50.00 per diversion (agreement). This is optional. Court may collect to defray the costs of the diversion. The fee must be tracked and deposited for use into the LYDF account. The court may waive this fee if the child's parent is indigent.

The Municipal Juvenile Delinquency Prevention Fund may be used to fund youth diversion.

### **Eligibility & Conditions**

A misdemeanor offence punishable by fine only, other than traffic offenses, and committed by an eligible child, who is at least ten years of age and younger than seventeen years of age, must be diverted (if agreed) under Subchapter E of Chapter 45 of the Texas Code of Criminal Procedure.

If the child does not contest the charge, is otherwise eligible for diversion, and accepts the terms of the diversion agreement, a charge may not be filed; and if filed shall be dismissed (upon substantial compliance by child) by the court.

The diversion period may not exceed 180 days.

A child can enter into a diversion agreement once every 365 days.

A child is not eligible if the child previously had an unsuccessful diversion under Subchapter E.

The court may not divert without the written consent of the child and child's parent or guardian.

### **Initial Contact – Intermediate Diversion**

Law enforcement typically will be the first contact with a child (age 10-16 years) for some alleged offense over which the City may have jurisdiction.

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Law enforcement is required to inform the parents/guardians that Youth Diversion may be an intervention strategy aimed at redirecting a child otherwise facing formal criminal prosecution while holding them accountable for their actions.

The parent/guardian and child must be informed that diversion (from court proceedings) is optional. If the child and parent/guardian do not agree to diversion, a Waiver of Diversion must be signed by the parent/guardian and child.

Law enforcement shall prepare a Report of Contact evidencing the contact with the child, the facts of the contact, the alleged violation, the identity of the child, the identity of the parent(s)/guardian(s), the date of the contact and that the parent(s)/guardian(s) were informed of Youth Diversion as an intervention strategy. If the parent/guardian and child do not agree, the officer will present a Waiver of Diversion for their signature.

### **Court Contact – Intermediate Diversion**

The City's Chief of Police, or his/her designee shall inform the Municipal Court Clerk, or his/her designee of the Initial Contact and provide the Report of Contact to the Municipal Court Clerk or designee. The Court Clerk or designee, as the Youth Diversion Coordinator, shall work with the Municipal Prosecutor. The Court Clerk or designee, as the Youth Diversion Coordinator, shall inform the Municipal Judge of the initial contact and provide the Municipal Judge with the Report of Contact. If there is a signed Waiver of Diversion, it must be presented to the Youth Diversion Coordinator.

### **Notice to Appear for Referral – Intermediate Diversion**

The Youth Diversion Coordinator shall prepare a Notice to Appear for Referral and present it to the Municipal Judge for signature.

The Youth Diversion Coordinator shall forward the Notice to Appear to the child's parent/guardian.

### **Referral Hearing – Intermediate Diversion**

Once the Referral Hearing takes place and if all concerns agree that Youth Diversion is an alternative to formal charges, a Diversion Agreement shall be developed for the best interests of the child.

The Youth Diversion Coordinator shall work with the child and his/her parent(s)/guardian(s) in developing the Diversion Agreement. The Municipal Judge may be sought for any guidance regarding the terms of the agreement.

The Youth Diversion Coordinator shall fully execute the Diversion Agreement with the child's signature and the signatures of the child's parent(s)/guardian(s).

### **Initial Contact – Diversion by Judge**

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After a case is filed, the City Prosecutor shall prepare a Report of Contact identifying the alleged violation, the identity of the child, the identity of the parent(s)/guardian(s), and the date of the contact. The Report of Contact shall be provided to the Judge.

If the child does not contest the charge, the judge shall divert without requiring a plea and if there is substantial compliance with the diversion plan, the case shall be dismissed.

If the child contests the charge, the judge shall divert at the conclusion of trial, if the evidence supports a finding of guilt or jury returns a verdict of guilty, without entering an adjudication of guilt or a judgment of conviction.

### **Court Contact – Diversion by Judge**

The City Prosecutor, or his/her designee, shall inform the Municipal Court Clerk/or her designee of the Initial Contact and provide the Report of Contact to the Municipal Court Clerk/or her designee, who shall serve as the Youth Diversion Coordinator. The Youth Diversion Coordinator shall inform the Municipal Judge of the initial contact and provide the Municipal Judge with the Report of Contact.

### **Notice to Appear for Referral – Diversion by Judge**

The Youth Diversion Coordinator shall prepare a Notice to Appear for Referral and present it to the Municipal Judge for signature.

The Youth Diversion Coordinator shall forward the Notice to Appear to the child's parents/guardian.

### **Referral Hearing – Diversion by Judge**

Once the Referral Hearing takes place and if all concerns agree that Youth Diversion is an alternative to formal charges, a Diversion Agreement shall be developed for the best interests of the child.

If the child and parent/guardian do not agree to diversion, a Waiver of Diversion must be signed by the parent/guardian and child.

The Municipal Judge shall have an informal meeting to share with the child and the parents/guardians of the Youth Diversion.

The Youth Diversion Coordinator shall work with the child and parents in developing the Diversion Agreement. The Municipal Judge may be sought for any guidance regarding the terms of the agreement.

The Youth Diversion Coordinator shall fully execute the Diversion Agreement with the child's and parents/guardians' signatures.

### **Compliance / Non-compliance**

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There shall be a non-adversarial hearing to determine substantial compliance with the terms of the Diversion Agreement.

The court may:

- Amend or set aside terms of the Diversion Agreement;
- Extend the diversion period for not more than a year from the initial start date of the diversion;
- Issue continuance for hearing to allow for compliance within 60 days or less;
- Require the parent/guardian to act or refrain from acting;
- Find the diversion successful/substantial compliance; and/or
- Find the diversion unsuccessful and refer to the prosecutor for consideration of re-filing.

**Evaluation and Review of Youth Diversion Plan**

The participants (including the child’s parent(s)/guardian(s), those subject to youth diversion, the police chief, city prosecutor, court clerk(s), youth diversion coordinator, service providers, and other court staff) shall periodically review the effectiveness of the Youth Diversion Plan and make recommendations and changes that foster the ultimate goals of youth diversion. Such evaluation and review may include success rates, recidivism rates, and compliance rates.

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The Municipal Court of the City of Hill Country Village, Texas hereby adopts this Youth Diversion Plan, under subchapter E, Chapter 45, of the Texas Code of Criminal Procedure. The court may use diversion strategies of the kinds listed in Article 45.305, or other appropriate strategies based upon the availability of diversion strategies, the needs of the child who is to be diverted, and the long-term safety of the community. The court will not employ intermediate diversion. Cases against children shall be diverted as required by Subchapter E, Chapter 45, before and without entry of a plea, or after trial, as required. The Court Clerk or designee is hereby designated as the Youth Diversion Coordinator. This plan shall be maintained on file for public inspection and in the court.

**Municipal Judge, City of Hill Country Village**

/s/ Mario A. Trevino

Date: 12-30-2024

Mario A. Trevino