	§	**IN THE MUNICIPAL COURT**
YOUTH DIVERSION PLAN	§	**CITY OF COMMERCE**
	§	**HUNT 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 "***Commerce Municipal Court, 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 ***Commerce Municipal Court, Youth Diversion Plan*** shall be maintained on file for public inspection.

THIS PLAN WILL BECOME EFFECTIVE JANUARY 1, 2025.

SIGNED AND ENTERED on this 13th day of November, 2024

Lana Adams

Judge Lana Adams

COMMERCE MUNICIPAL COURT – YOUTH DIVERSION PLAN

I. OBJECTIVE

The objective of this plan is to develop intervention strategies that redirects a child from formal criminal prosecution while still holding the child accountable for the child's actions. Stated objectives in this agreement must be measurable, realistic and reasonable and consider the circumstances of the child, the best interests of the child and the long-term safety of the community.

II. 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***.

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

A child that 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.

IV. 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 37.144***:

1. School-related program
2. Educational Program
    a) Alcohol awareness program
    b) Tobacco awareness program
    c) Drug education program
3. Rehabilitation program
4. Self-Improvement Program (related to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution.
5. Referral of child to a service provider for services related to:
    a) At risk youth
    b) Work and job skills training, including job interviewing and work preparation
    c) Academic monitoring or tutoring, including preparation for a high school equivalency examination administered under section ***7.11 of the Texas Education Code***.
6. Community-Based Services
7. Mental Health Screening and Clinical assessment - Requires additional court order
8. Counseling, including private or in-school counseling
9. Mentoring Services
10. Participation in mediation or other dispute resolution processes
11. Submit to drug or alcohol testing
12. Requiring a child to:
    a) Participate in mediation or other dispute resolution processes
    b) Submit to alcohol or drug testing
    c) Substantially comply with a physicians or other licenses medical or mental health professional's course of treatment
13. Requiring a child, by court order, to:
    a) Pay restitution not to exceed $100 for an offense against property under ***Title 7, Penal Code***
    b) Perform not more than 20 hours of community service
    c) Or perform any other reasonable action determined by the court.

V. PROHIBITIED 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.

VI. AGREEMENT WITH SERVICE PROVIDER

This section left blank for further resources with a potential service provider.

VII. YOUTH DIVERSION COORDINATOR

The Youth Diversion Coordinator for this court is designated as Tequila Johnson, and is responsible for the following:

1. Determine whether the child is eligible to participate in the plan.
2. Employing strategies authorized by this plan
3. Presenting and maintaining diversion agreements
4. Monitoring diversions
5. Maintaining records regarding whether one or more diversions were successful or unsuccessful.
6. Coordinating referrals to the court.

VIII. DIVERSION AGREEMENT

A diversion agreement must identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under ***Texas CCP 45.309 or 45.310***.

IX. INTERMEDIATE DIVERSION

A charge referred to this court, but has not been filed, is eligible for intermediate diversion. The Youth Diversion Coordinator shall advise the child and the child's parents before the case is filed that the case may be diverted under this plan for a period not to exceed 180 days. The child must be eligible under the guidelines in the ***Texas Code of Criminal Procedure and Section III*** of this plan.

X. DIVERSION BY JUDGE

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

XI. REFERRAL TO COURT

The court shall conduct a non-adversarial hearing for a child that does not successfully complete the terms of the diversion, and the case is referred to the court. This hearing is designed for the judge to address the child and the child's parents to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to

the child for the court to determine what is in the best interests of the child and the long-term safety of the community. The court has options on how to proceed depending on the outcome of the hearing pursuant to ***Texas Code of Criminal Procedure 45.311 – Referral to Court***.

XII. DIVERSION ADMINISTRATIVE FEE

The clerk of this court may collect a $50 administrative fee to defray the cost of the diversion of the child's case under this plan. However, the fee may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court. The Court shall waive the fee of the child's parent is indigent or does not have sufficient resources or income to pay the fee. If the parent is ordered to pay and is determined to have sufficient resources and is not deemed indigent, and fails to pay, this is enforceable against the party by contempt.

XIII. DIVERSION RECORDS – EXPUNGMENT

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*** or confidential pursuant to ***Art. 45.0217 – 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.

XIV. LIABILITY

See ***Texas Code of Criminal Procedure Art. 45.049 (f) and (i)***

XV. STATE LAW CITATION

Refer to ***Texas Code of Criminal Procedure, Chapter 45, Subchapter E – Youth Diversion.***

APPENDIX "A"
DIVERSION STRATEGY RESOURCES

1. ONLINE EDUCATIONAL OPPORTUNITIES
    a. 3RD MILLENNIUM
        i. https://3rdmil.com/
    b. COURSE FOR COURT.COM
        i. https://courseforcourt.com
    c. TEXAS COURT CLASSES
        i. https://texascourtclasses.com/court-ordered-classes/
    d. TEXAS DEPARTMENT OF LICENSING AND REGULATION
        i. https://www.tdlr.texas.gov/court-ordered/
    e. COURT SOLUTIONS ONLINE.COM
        i. https://juvclass.com

2. LOCAL MENTAL HEALTH AUTHORITY (LAKES REGIONAL MHMR – GREENVILLE, TEXAS)

3. LOCAL MENTAL HEALTH AUTHORITY (LAKES REGIONAL MHMR – SULPHUR SPRINGS, TEXAS)

4. CUMBY ISD – FOR CUMBY ISD STUDENTS ONLY