



## ***Groves Municipal Court***

***4201 Main Avenue - Groves, TX 77619***

***Phone (409) 960-5748 - Fax (409) 960-5747***

***Email: [gcourt@cigrovestx.com](mailto:gcourt@cigrovestx.com) WebSite: [www.cigrovestx.com](http://www.cigrovestx.com)***



### **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 “Groves Youth Diversion Plan” or “GYDP.”

**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 Court Coordinator or her designee after both parent and child have accepted the terms of the diversion plan.

**IT IS FURTHER ORDERED** that the procedures, components, and applicable law referenced in the Groves Youth Diversion Plan shall be maintained on file for public inspection.

**SIGNED AND ENTERED** on this 2<sup>nd</sup> day of JANUARY, 2025.

*Mike Simon*

Municipal Judge

City of Groves

Jefferson County, Texas

# Groves Municipal Court

## Youth Diversion Plan

The Groves Municipal Court Youth Diversion Plan is designed to provide an alternative to traditional court proceedings for eligible youth offenders. This plan adheres to Texas H.B. 3186 and is structured in accordance with Article 45.306(b) of the Texas Code of Criminal Procedure. The plan aims to reduce recidivism, promote accountability, and provide educational and rehabilitative opportunities for youth.

*“Diversion” - an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child’s actions. The term includes two types of diversion not to exceed 180 days (6 months).*

- 1. intermediate diversion – diversion by the Court Coordinator or her designee under Article 45.309, which occurs before a charge (formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint; ART. 45.301 (1) C.C.P.) involving an eligible child is filed and*
- 2. judicial diversion - diversion by the judge under Article 45.310, which occurs after a charge involving an eligible child is filed or after a trial involving an eligible child results in a verdict or finding of guilt. Courts may choose to implement intermediate diversion, but all courts have requirements related to diversion by judge. Regardless of which type of diversion the court implements, the process is generally the same.*

### Objectives

1. Reduce Recidivism: Minimize repeat offenses among youth by providing constructive interventions
2. Encourage Accountability: By offering community service, compensation, or third-party skills training, encourage young people to accept accountability for their deeds.
3. Improve Community Relations: Foster better relationships between youth and law enforcement, community members, and the judicial system.
4. Support Families: Engage families in the diversion process to promote a supportive home environment.

### Applicability

The Youth Diversion Plan applies to:

- a. Youth aged 10-16 who have committed misdemeanor offenses under the jurisdiction of the Groves Municipal Court.
- b. Offenses eligible for diversion include non-violent misdemeanors such as theft, graffiti vandalism, and minor drug offenses.
- c. Youth who have not previously participated in a diversion plan (365 days) or who have no prior felony convictions.

### Referral

Referrals to the Youth Diversion Plan may be made by:

1. Court Coordinator / or her designee at the window (intermediate diversion)
2. The Groves Municipal Court Judge during arraignment (judicial diversion)

## **Intake / Eligibility**

1. Initial Screening: Upon referral / or defendant with parent/guardian at the window, the court will conduct an initial screening to determine eligibility based on offense type, age, and prior history.
2. Parental and Youth Consent: Consent from a parent/guardian and youth is required for the youth to participate in the plan, and that he/she is accepting and understands the terms of the diversion plan.
3. A \$50 (Fifty) Local Youth Diversion Administrative Fee is required upon acceptance and qualification of the Diversion Plan.

## **Evaluation**

An evaluation process will be implemented to assess:

1. The individual needs of the youth.
2. Any educational, mental health, or substance abuse issues.
3. The youth's support system, including family and community resources.

## **Intermediate Diversion Intake and Implementation**

1. Development of a Personalized Plan: Each youth will have a tailored plan that may include:
  - A 5-page (five) essay
  - Community service hours
  - Life skills workshops
  - Drug/Alcohol/Tobacco Class
  - Life skills workshops

## **Diversion Agreement**

This process helps maintain the integrity of the diversion plan and ensures that it serves as a meaningful opportunity for first-time or infrequent offenders.

1. Contract Signing: Youth and parent/guardian will sign a diversion agreement outlining the terms of participation, including goals, responsibilities, and consequences for non-compliance.
2. Sworn Affidavit: As part of the agreement, the youth and parent/guardian will sign an affidavit confirming that the youth has not participated in any youth diversion plan within the last 365 days. This affidavit will serve to ensure that the diversion plan is being used appropriately and that the youth is eligible for this opportunity.
3. Commitment to Conditions: Youth must commit to completing the agreed-upon requirements within a specified timeframe.

## **Referral to Court and Court Proceedings**

1. Completion of Plan: Upon successful completion of the diversion plan, the youth will be referred back to the court for dismissal of charges.
2. Court Dismissal: If all conditions are met, the court will formally dismiss the case, allowing the youth to avoid a permanent criminal record.

## **Conclusion**

The Groves Municipal Court Youth Diversion Plan aims to provide youth with the opportunity for rehabilitation and growth, steering them away from the criminal justice system while fostering community involvement and personal accountability. Through a structured approach, we hope to support our youth in becoming positive, productive members of society.

## Appendix A

Glossary of Terms Term	Article	Definition
<b>Charge</b>	45.301(1)	A formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.
<b>Child</b>	45.058(h-1)	A person at least 10 years of age and younger than 17 years of age.
<b>Court</b>	45.301(3)	A justice court, municipal court, or other court subject to this chapter.
<b>Diversion</b>	45.301(4)	An intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions.
<b>Diversion Agreement</b>	45.308(a)	Identify the parties to the agreement and the responsibilities of the child and parent to ensure their meaningful participation in a diversion.
<b>Diversion Action Plan (DAP)</b>	45.306	A written plan that describes the types of strategies that will be used to implement youth diversion. (Groves Municipal Court refers to this document as the Diversion Action Plan).
<b>Offense</b>	45.301(5)	A misdemeanor punishable by fine only, other than a traffic offense.
<b>Parent</b>	45.057(3)	Includes a person standing in parental relations, a managing conservator, or a custodian.
<b>Court Coordinator / her designee (Youth Diversion Coordinator)</b>	45.307	A designee of the court coordinator is responsible for assisting the court in executing the youth diversion plan. (Groves Municipal Court has designated the Youth Diversion Coordinator as the Court Coordinator / her designee)
<b>Youth Diversion Plan</b>	45.306	A written plan that describes the types of strategies that will be used to implement youth diversion.

*Definitions of terms are sourced directly from the specific Article within the Code of Criminal Procedure where they are defined.*

## Additional Terms and Definitions

Glossary of Terms Term	Definition
<b>GROVES YOUTH DIVERSION PLAN (GYDP)</b>	Name of the youth diversion plan within the Groves Municipal Court.

## Appendix B

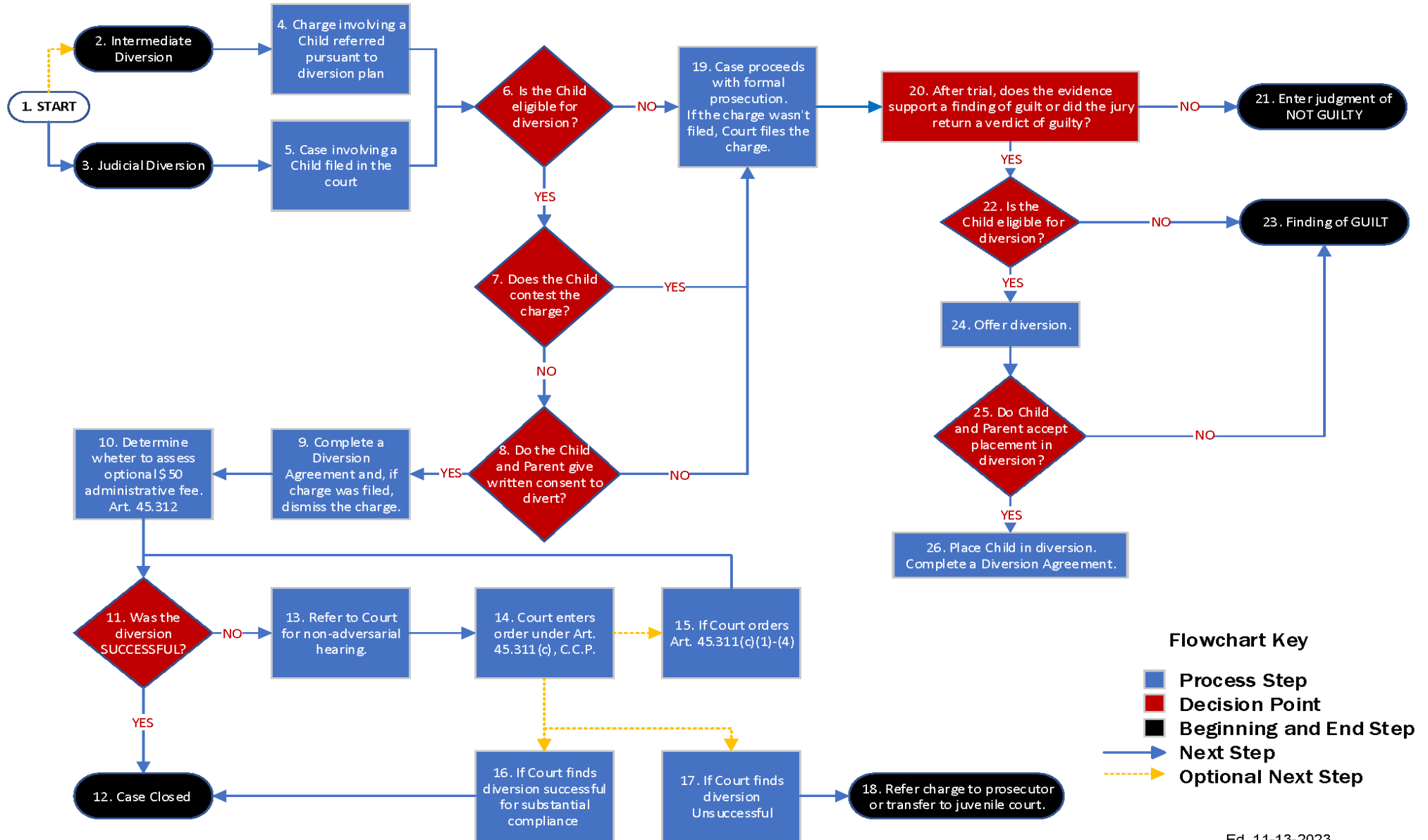
### Groves Youth Diversion: Duration, and Eligible Offenses

Duration of All Deferrals	Eligible Offenses:
Up to 180 days (6 months). <i>(The Judge may allow longer amount time if needed, but it may not go beyond 365 days from the start of the Diversion Plan.)</i>	The Following Offenses: <ul style="list-style-type: none"> <li>• Public Intoxication – by Minor</li> <li>• Possession of Alcohol – by Minor</li> <li>• Possession of Tobacco – by Minor</li> <li>• Theft</li> <li>• Vandalism</li> <li>• Graffiti</li> </ul>

# Youth Diversion: Process Overview Flowchart

## H.B. 3186

*See Accompanying Commentary*



## Youth Diversion: Flowchart Commentary

- Box 1. Generally, a child shall be diverted from formal criminal prosecution as provided by Subchapter E of Chapter 45 of the Code of Criminal Procedure. How diversion proceeds will depend on the type of diversion. There are two types of diversion: intermediate diversion and diversion by judge (or judicial diversion). All courts must do judicial diversion. Courts may also opt to do intermediate diversion. Arts. 45.309, 45.310, C.C.P. Subchapter E only applies to non-traffic offenses committed on or after January 1, 2025. Art. 45.302, C.C.P.; H.B. 3186 (88th Regular Legislative Session).
- Box 2. Courts that opt to do intermediate diversion must include that type of diversion in their diversion plan. Intermediate diversion occurs prior to filing the charge. A youth diversion coordinator or juvenile case manager must advise the child and child's parent before the charge is filed that a case may be diverted for up to 180 days if the requirements in Article 45.309(a)(1)-(4) are met. Art. 45.309, C.C.P.
- Box 3. Subchapter E provides for judicial diversion after a charge involving a child is filed and after a finding or verdict of guilt in the trial of a child, whether bench or jury trial. Judicial diversion may not exceed 180 days. Art. 45.310, C.C.P.
- Box 4. The process for referral of charges under intermediate diversion should be addressed in the diversion plan. After referral, certain determinations must be made before proceeding to diversion.
- Box 5. If a charge involving a child who is eligible for diversion is filed with the court, the judge must divert the case under Article 45.310. After such a charge is filed, certain determinations must be made before proceeding to diversion.
- Box 6. Whether intermediate or judicial diversion, a child must be eligible for diversion. A child is eligible to enter into a diversion agreement under Subchapter E only once every 365 days. A child is not eligible for diversion if the child previously had an unsuccessful diversion under Subchapter E or if the prosecutor objects to the diversion. Art. 45.304, C.C.P.
- Box 7. The child has a right to go to trial. Therefore, if the child contests the charge, set the child for trial. See Boxes 20-26 for diversion after trial.

- Box 8. A court may not divert a child from criminal prosecution without the written consent of the child and child's parent. Art. 45.304(e), C.C.P.
- Box 9. Article 45.308 lists the requirements for a diversion agreement. A charge may not be filed against a child or, if filed, shall be dismissed by the court if the child does not contest the charge, is eligible for diversion, and accepts the terms of the diversion agreement.
- Box 10. Article 45.312 authorizes a court to collect from a child's parent a \$50 administrative fee (Local Youth Diversion Administrative Fee) to defray the costs of the diversion of the child's case under Subchapter E. This fee is optional. It may not be collected unless it is specified as a term of the diversion agreement accepted by the parent. Diversion may not be contingent upon payment of this fee. Art. 45.312, C.C.P.
- Box 11. By the end of the diversion period, determine whether the child has successfully complied with the terms of the diversion agreement.
- Box 12. The case of a child who successfully complies with the terms of the diversion agreement shall be closed and reported to the court as successful. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 13. A child who does not comply with the terms of the diversion agreement shall be referred to court for a non-adversarial hearing. Arts. 45.309(d), 45.310(e), C.C.P. This non-adversarial hearing is an opportunity for a judge to confer with the child and parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may assist the child or the court in determining what is in the best interests of the child and the long-term safety of the community. Art. 45.311, C.C.P.
- Box 14. After the hearing, a court may enter one of the orders listed in Article 45.311(c). See Boxes 15, 16, and 17 for possible orders.
- Box 15. Under Article 45.311(c)(1)-(4), a court may enter an order: (1) amending or setting aside terms in the diversion agreement; (2) extending the diversion period not to exceed one year from the initial start date of the diversion; (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion agreement; and (4) require the child's parent to perform (or refrain from doing) certain acts the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child. If the court orders any of these, the next step is to determine whether the child has successfully completed the terms of the agreement under the order. Go to Box 11.



- Box 16. The court may enter an order finding the diversion successful on the basis of substantial compliance. Art. 45.311(c)(5), C.C.P. After such an order, the case shall be closed. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 17. The court may enter an order finding the diversion unsuccessful. Art. 45.311(c)(6), C.C.P.
- Box 18. Upon a finding of an unsuccessful diversion, the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 of the Family Code or refer the charge to the prosecutor for consideration of re-filing. Art. 45.311(c)(6), C.C.P.
- Box 19. If a child either is ineligible or contests the charge or the child or parent does not give written consent to diversion, the case proceeds with prosecution. Arts. 45.304, 45.310, C.C.P.
- Box 20. Making the determination in this box will either result in a finding of Not Guilty or potentially another opportunity for diversion.
- Box 21. If the answer to the question in Box 20 is No, enter a judgment of Not Guilty.
- Box 22. If the answer to the question in Box 20 is Yes, determine if the child is eligible for diversion. Art. 45.041(a-2), C.C.P. See Box 6.
- Box 23. If the child is ineligible or the child or parent does not accept placement in diversion, find the child guilty and proceed to sentencing. Art. 45.041(a-2), C.C.P. All options normally available to the judge at this point in the case are still available, including deferred disposition.
- Box 24. If the child is eligible, provide the child and parent the opportunity for placement in diversion under Article 45.310 (Diversion by Judge). Art. 45.041(a-2), C.C.P.
- Box 25. If the answer is Yes, go to Box 26. If the answer is No, go to Box 23.
- Box 26. If the child and parent accept, place the child in diversion under Article 45.310. Art. 45.041(a-2), C.C.P. Do not enter an adjudication of guilt or a judgment of conviction. Art. 45.041(a-2); Art. 45.310(a)(2), C.C.P. Complete a diversion agreement. Art. 45.308, C.C.P. Then go to Box 10.