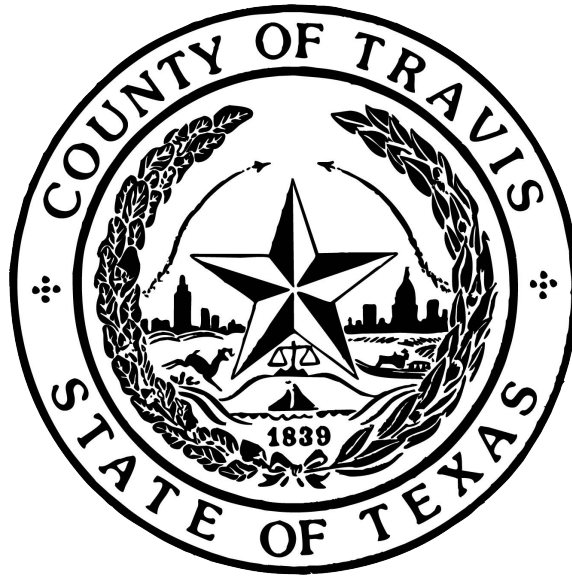




**Travis County
Justice of the Peace Precinct 1**

Juvenile Diversion Plan

Texas Youth Diversion and Early Intervention Act – H.B. 3186

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Travis County JP1 Juvenile Diversion Plan

H.B. 3186

Texas Youth Diversion and Early Intervention Act

Effective: January 1, 2025

Purpose of the Youth Diversion Plan

As a result of recent tragedies, there is an increased consciousness of the importance of early identifying and response to at-risk youth and youth living with mental illness.

Texas Youth Diversion and Early Intervention Act seeks to make diversion strategies more effective by providing for the referral of certain children to youth diversion services without requiring criminal adjudication and for the adoption of a youth diversion plan.

H.B. 3186 (Subchapter E) to Chapter 45, Code of Criminal Procedure, provides for youth diversion in municipal and justice courts.

Objective of Diversion

Subchapter E aims to accomplish the following objectives:

1. Decrease recidivism, and the occurrence of problem behaviors by providing early and constructive interventions.
2. Identify at-risk youth including youth with mental health needs, substance abuse or intellectual and development disabilities and where appropriate make referrals to early youth and intervention services.
3. Authorize diversions of youth charged with certain offenses punishable by fine only from criminal adjudication emphasizing accountability and responsibility of the parent and youth for the youth's actions while promoting community safety.
4. Provides for increased collaboration between government, educational institutions and non-profit organizations in devising local strategies for diversions.

Eligibility For Diversion

Article 45.302 limits the application of Subchapter E to a child alleged to have engaged in conduct that constitutes a misdemeanor punishable by a fine only, other than a traffic offense. Ch. 720 of the Transportation Code define as any offense under Ch. 521 of the Transportation Code or any Rules of the Road offense.

Upon referral, the court will conduct an initial screening to determine eligibility based on offense type, age, and prior history of the offender. A juvenile offender shall be diverted from formal criminal prosecution if:

- Under 17 years of age at the time of the offense
- Have not previously participated in a diversion program in the previous 365 days (365 days between agreement, not offenses or dispositions)
- Has never had an unsuccessful diversion
- County Prosecutor does not object to diversion
- Defendant and parent must provide written consent to participate in diversion program

Referrals

Referral to the Youth Diversion Program may be made by:

- Law enforcement officers at the time of the offense
- Parents or guardians of the youth
- School officials or community organizations

Types of Diversion

Intermediate Diversion requires a youth diversion coordinator or juvenile case manager to advise the juvenile and the juvenile's parent before a case is filed that the case may be diverted for a reasonable period not to exceed 180 days if:

- Diversion is in the best interest of the juvenile and promotes safety of the community
- Juvenile and parent consent with the knowledge that diversion is optional and;
- Juvenile and parent are informed that they may terminate at any time which will result in a referral to court for a hearing

Diversion by Justice or Judge courts must divert the case of an eligible defendant without requiring a plea and:

- If the juvenile does not contest the charge
- If the juvenile contests the charge, a judge is required to divert the case at the conclusion of trial on a finding of guilt or without entering a judgement of conviction

Terms of Diversion Agreement

Under article 45.310 Diversion agreements are to be in writing and may include any of the diversion strategies outlined in the next paragraph "Diversion Strategies".

The case of a juvenile who successfully complies with the terms of the diversion agreement shall be closed and reported successful to the court. If the juvenile is not compliant with the diversion agreement under article 45.310 they shall be referred to court for a hearing.

Unsuccessful diversions may be referred to the juvenile court or to the prosecutor for criminal filing.

Diversion Strategies

Strategies imposed in connection with Intermediate Diversion under article 45.309 or Diversion by Justice or Judge under Article 45.310 may include but are not limited to:

- ☐ Court-approved teen court program
- ☐ School related program
- ☐ Alcohol awareness program
- ☐ Tobacco awareness program
- ☐ Drug Education program
- ☐ Rehabilitation program
- ☐ Self-improvement program
- ☐ Referral to a service provider for services, which may include:
 - At-Risk youth Services
 - Juvenile case manager services
 - Work and job readiness training
 - Academic monitoring or tutoring (including GED prep)
 - Community-based services
 - Mental health screening and clinical assessment
 - Counseling (private or in-school)
 - Mentoring services
- ☐ Mediation or other dispute resolution process
- ☐ Alcohol and drug testing
- ☐ Substantial compliance with the course of treatment prescribed by physician or other licensed medical or mental health professional
- ☐ Restitution not to exceed \$100 for an offense against property under Title 7 of the Penal Code
- ☐ Community service (not to exceed 20 hours)
- ☐ Other: _____

Evaluations

A comprehensive evaluation will be conducted to determine any underlying issues contributing to the juvenile's behavior:

- Individual needs of the juvenile
- Educational, mental health, or substance abuse issues
- Juvenile's current support system, including family and community resources available

Youth Diversion Coordinator / Juvenile Case Manager

Article 45.307 allows courts to designate someone to fulfill the responsibilities and duties laid out in the statute.

Juvenile Case Manager will:

- Determine if a juvenile is eligible for diversion

- Employ authorized diversion strategies
- Present and maintain diversion agreements
- Monitor diversions
- Maintain records on if diversions are successful or unsuccessful
- Coordinate referrals to court

Other than statistical records, all records are confidential under CCP Art 45.0217.

All records shall be expunged without the requirement of a motion or request on the juvenile's 18th birthday.

Protections

Juvenile criminal cases which are not diverted, either because defendant is not eligible or because they are traffic offenses will still be processed under previous juvenile criminal law.

Completion of Diversion

1. Completion of the Diversion Program: Upon successful completion of the diversion program, the youth will be referred back to the court for dismissal of charges.
2. Monitoring Compliance: The program coordinator will monitor progress and compliance with the diversion agreement.
3. Court Dismissal: If all conditions are met, the court will formally dismiss the case, allowing the youth to avoid a permanent criminal record.

Juvenile Diversion Administrative Fees and Fines

Fees: Article 45.312 allows the court to collect from the child's parent a \$50 administrative fee to defray the cost of the terms in the diversion agreement, waived if the parent is indigent.

Diversion may not be contingent on payment of a fee.

Fines: Under Article 45.041 (b-3) if diversion is not required, Judge must allow defendant who is a child to elect to discharge fine/costs with community service or tutoring, or pay the fine/costs now, later, or on a payment plan.

Definitions:

Charge: A formal or informal allegation of an offense, including a citation, written promise to appear, complaint or pending complaint.

Diversion: An intervention strategy that redirects the youth from formal criminal prosecution and holds the youth accountable for their actions.

Adjudication: The legal process or resolving a dispute or deciding a case.

Parent: includes a person standing in the parental relation, a managing conservator or custodian.

Service provider: means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

FORMS



YVONNE M. WILLIAMS
JUSTICE OF THE PEACE
PRECINCT ONE
4717 HEFLIN LANE
SUITE 107
AUSTIN, TEXAS 78721
PHONE (512) 854-7700 FAX (512) 929-3047
JP1TRUANCY@TRAVISCOUNTYTX.GOV

To the parent (s)/legal guardian of
Legal name of the juvenile (in caps)
Address

Date: _____

Re: STATE OF TEXAS vs. _____ (DEFENDANT'S
NAME) CASE # J1-CR-2X-00XXX: POSSESSION OF
TOBACCO PRODUCT BY MINOR

JUVENILE DIVERSION HEARING NOTICE

The above-referenced case has been set for a Juvenile Diversion hearing on _____, 202_ at -----
M. At this hearing, you will have the opportunity to either join a juvenile diversion program or enter your
plea before the Judge. A diversion program agreement does not require a plea and could result in a dismissal
if complied.

**All defendant's must be accompanied in court by a parent or legal guardian. Please be prepared to
show proof of legal guardianship. If the defendant is represented by an attorney, the attorney,
defendant and parent/legal guardian must all be present.**

If you and the defendant are unable to appear at the above date and time, you **must** request a continuance
in writing stating the reason for your request not less than three (3) days prior to the scheduled date. Do
not assume that a continuance will automatically be granted. The Judge will consider your request. If it is
not granted, you and the defendant must be present.

Please contact this office at 512-854-7703 with any questions.

Sincerely,



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas

CAUSE NO. _____

STATE OF TEXAS

v.

DEFENDANT _____

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IN THE JUSTICE COURT

PRECINCT ONE

TRAVIS COUNTY, TEXAS

JUVENILE DIVERSION AFFIDAVIT

I declare under penalty of perjury that the foregoing is true and correct.

My child _____ has not participated in a Youth Diversion Program within the previous 365 days to divert from criminal prosecution for the dismissal of a non-traffic Class C Misdemeanor. I further declare that:

___ My child was under 17 years of age at the time of the offense

___ My child has not had an unsuccessful diversion

Parent Name: _____

PLEASE PRINT

Signature: _____ Date: _____

Violation: Possession of tobacco product by minor

Child's Name: _____ Date: _____

PLEASE PRINT

Signature: _____

Sworn and subscribed before me on this ___ day of _____, 20 ____.



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas

CAUSE NO. _____

IN THE MATTER OF

_____,
A CHILD

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IN THE JUSTICE COURT

PRECINCT ONE

TRAVIS COUNTY, TEXAS

JUVENILE DIVERSION AGREEMENT – DIVERSION BY COURT

The court **FINDS** that Child is eligible for diversion under the Code of Criminal Procedure and that the following charge or offense is being diverted: POSSESSION OF TOBACCO PRODUCT BY MINOR.

I. Terms of the Agreement

This Diversion Agreement between this court, _____ (Child), and _____ (Parent/Guardian) is entered into as a Diversion by Justice or Judge under Article 45.310 of the Code of Criminal Procedure.

This agreement is effective beginning on _____, 20__ and remains in effect until _____, 20__ (*not to exceed 180 days from date of this agreement*). During the period of this agreement, Child and Parent/Guardian must inform

- ☐ the court at Justice of the Peace, Precinct ONE Travis County.
- ☐ the Juvenile Diversion Coordinator at Justice of the Peace, Precinct ONE Travis County.

of the best address to receive court notices, and of any changes to that address.

The terms of this agreement are entered into with consideration of the circumstances of Child, the best interests of Child, and the long-term safety of the community. During the period of this agreement, the court will not process any criminal case based upon the diverted offense, alleged to have occurred on _____, 20__. Upon successful completion of this Diversion Agreement, the court may not accept charges related to the diverted offense.

If Child and Parent/Guardian do not successfully complete the terms of this diversion agreement, Child shall be referred to the court for a hearing with the judge of the court, Child, and Parent/Guardian. At this hearing, the court may either extend the diversion period or determine the diversion to be successful or unsuccessful. If the diversion is unsuccessful, the case may be referred for criminal prosecution or for proceedings in juvenile court.

Diversion is not an admission of guilt, and a guilty plea is not required to participate in diversion.

II. Child's Responsibilities

During the period of this agreement, Child's responsibilities shall be to provide documentation to

- ☐ the court at Justice of the Peace, Precinct ONE Travis County
- ☐ the Juvenile Diversion Coordinator at Justice of the Peace, Precinct ONE Travis County

proof of completion of the following requirements. As needed, the Juvenile Diversion Coordinator will report to the court on the progress of Child:

- ☐ Teen Court
- ☐ Child is referred to the following Service Provider for described services: Attend the **Phoenix House Blue's Program** at _____ for a duration of six (6) weeks, with sessions held weekly.

Classes take place every _____ (day of the week) at _____ (time) with the first class beginning on _____.

- ☐ Other conditions or detailed description of above responsibilities:

III. Parent/Guardian's Responsibilities

During the period of this agreement, Parent/Guardian's responsibilities include: Parent shall attend the Phoenix Blue's Program as determined by the instructor. Assure the student attends the program and complies with the terms required by the Court.

- ☐ During the period of this agreement, **Parent/Guardian must pay a \$50 administrative fee** to the court to defray the costs of this diversion.

IV. Acknowledgments

During the period of this agreement, Justice Court shall refrain from processing criminal cases based upon allegations of conduct which occurred on or about the _____ (date of the offense). The following charge or offense is being diverted: POSSESSION OF TOBACCO PRODUCT BY MINOR.

Child acknowledges that, upon successful completion of this diversion agreement, Child will be ineligible for diversion for a period of 365 days, and that upon unsuccessful completion of this agreement, Child will never again be eligible for diversion. Child hereby knowingly and voluntarily consents to diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Child received notice of their rights, including that all records of this diversion are confidential, that they will be automatically expunged on Child's 18th birthday, and that Child has the right to refuse diversion.

Child's Signature

Date

Parent/Guardian hereby knowingly and voluntarily consents to Child's diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Parent received notice of Child's rights, including those listed above.

Parent's Signature

Date



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas

CAUSE NO. _____

IN THE MATTER OF

A CHILD

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IN THE JUSTICE COURT

PRECINCT ONE

TRAVIS COUNTY, TEXAS

JUVENILE DIVERSION AGREEMENT – INTERMEDIATE DIVERSION

The above court's juvenile diversion coordinator _____ ("JDC") has determined that the above Child is eligible for diversion under the Code of Criminal Procedure and that the following potential charge or offense is being diverted: _____

I. Terms of the Agreement

This Diversion Agreement between JDC, _____ (Child), and _____ (Parent/Guardian) is entered into as an Intermediate Diversion under Article 45.309 of the Code of Criminal Procedure.

This agreement is effective beginning on _____, 20__ and remains in effect until _____, 20__ (*not to exceed 180 days from date of this agreement*). During the period of this agreement, Child and Parent/Guardian must inform JDC of the best address to receive court notices, and of any changes to that address.

The terms of this agreement are entered into with consideration of the circumstances of Child, the best interests of Child, and the long-term safety of the community. During the period of this agreement, the court will not process any criminal case based upon the diverted offense, alleged to have occurred on _____, 20__. Upon successful completion of this Diversion Agreement, the court may not accept charges related to the diverted offense.

If Child and Parent/Guardian do not successfully complete the terms of this diversion agreement, Child shall be referred to the court for a hearing with the judge of the court, Child, and Parent/Guardian. At this hearing, the court may either extend the diversion period or determine the diversion to be successful or unsuccessful. If the diversion is unsuccessful, the case may be referred for criminal prosecution or for proceedings in juvenile court.

Diversion is not an admission of guilt, and a guilty plea is not required to participate in diversion.

II. Child's Responsibilities

During the period of this agreement, Child's responsibilities shall be to provide documentation to JDC proof of completion of the following requirements. JDC will report to the court the progress of Child.

- ☐ Teen Court: _____
- ☐ School-related program: _____
- ☐ Educational program: _____

- ☐ Rehabilitation program: _____
- ☐ Self-improvement program: _____
- ☐ Tutoring: _____
- ☐ Community-based services: _____
- ☐ Mental health screening
- ☐ Clinical assessment
- ☐ Counseling
- ☐ Mentoring
- ☐ Mediation
- ☐ Alcohol testing
- ☐ Drug testing
- ☐ Course of treatment prescribed by a physician: _____
- ☐ Restitution in the amount of \$_____ (*not to exceed \$100*) paid to _____
- ☐ Complete _____ (*not to exceed 20*) hours of community service
- ☐ Child is referred to the following Service Provider for described services:

- ☐ Other conditions or detailed description of above responsibilities: _____

III. Parent/Guardian's Responsibilities

During the period of this agreement, Parent/Guardian's responsibilities include: _____

- ☐ During the period of this agreement, Parent/Guardian must pay a \$50 administrative fee to the court to defray the costs of this diversion.

IV. Acknowledgments

Child acknowledges that, upon successful completion of this diversion agreement, Child will be ineligible for diversion for a period of 365 days, and that upon unsuccessful completion of this agreement, Child will never again be eligible for diversion. Child hereby knowingly and voluntarily consents to diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Child received notice of their rights, including that all records of this diversion are confidential, that they will be automatically expunged on Child's 18th birthday, and that Child has the right to refuse diversion.

Child's Signature: _____ Date: _____

Parent/Guardian hereby knowingly and voluntarily consents to Child's diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Parent received notice of Child's rights, including those listed above.

Parent's Signature: _____ Date: _____

Address:
City, State, Zip _____

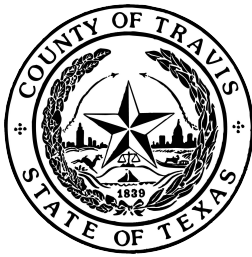
Phone Number: _____

Juvenile Diversion Coordinator _____ agrees to these terms and conditions.

Juvenile Diversion Coordinator: _____ Date: _____



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas



YVONNE M. WILLIAMS
JUSTICE OF THE PEACE
PRECINCT ONE
4717 HEFLIN LANE
SUITE 107
AUSTIN, TEXAS 78721
PHONE (512) 854-7700 FAX (512) 929-3047
JP1TRUANCY@TRAVISCOUNTYTX.GOV

To the Parents/Legal Guardian of:

Date: _____

Legal name

Address

Austin, Tx

Re: STATE OF TEXAS vs. _____ (DEFENDANT'S NAME)
CASE # J1-CR-2X-00XXX: POSSESSION OF TOBACCO PRODUCT
BY MINOR

JUVENILE DIVERSION SHOWCAUSE HEARING NOTICE

The court has good cause to believe that you have failed to comply with the diversion agreement entered on _____, 20__ according to its terms, specifically: _____.

You and your parent/guardian are hereby ordered to appear before the court at _____ at _____.m., on _____, 20__, for a hearing to determine whether the diversion should be declared unsuccessful.

The court may also hear from any person who may be of assistance in determining what is in the best interests of the child and the long-term safety of the community. If applicable, please contact the court and provide the name and address of such person.

If the court finds the diversion unsuccessful, the case may be referred to juvenile court or to the prosecutor for consideration of criminal prosecution.

ISSUED AND SIGNED _____, 20__.



Judge Yvonne M. Williams
Justice of the Peace, Precinct
One Travis County, Texas

CAUSE NO. _____

IN THE MATTER OF

A CHILD

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IN THE JUSTICE COURT

PRECINCT ONE

TRAVIS COUNTY, TEXAS

JUVENILE DIVERSION SHOW CAUSE ORDER

The court **FINDS** that on _____, 20____, _____ (Child) and _____ (Parent/Guardian) signed a Diversion Agreement for the following charge: _____. The court further **FINDS** that Child and Parent/Guardian were sent a notice to appear for a show cause hearing to determine whether diversion should be declared unsuccessful.

The court hereby **ORDERS**:

- ☐ The following terms of the Diversion Agreement are set aside: _____.
- ☐ The following terms of the Diversion Agreement are amended as described: _____.
- ☐ The diversion period is extended for the following period (*not to exceed one year from the original start date of the diversion*): _____.
- ☐ A continuance for the referral hearing until _____, 20____ (*not to exceed 60 days*) to allow an opportunity for compliance with the terms of the diversion agreement.
- ☐ To increase the likelihood that Child will successfully complete the diversion, Parent/Guardian shall: _____.
- ☐ Due to it being reasonable and necessary for the welfare of Child, Parent/Guardian shall comply with the following Order: _____.
- ☐ That the diversion is determined to be **SUCCESSFUL** based on substantial compliance.
- ☐ That the diversion is determined to be **UNSUCCESSFUL** and:
 - ☐ transfers Child to juvenile court for alleged conduct indicating a need for supervision.
 - ☐ refers the charge to the Prosecutor for consideration of criminal prosecution.

ISSUED AND SIGNED _____, 20____.

Defendant's signature/Attorney



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas

CAUSE NO. _____

STATE OF TEXAS

v.

DEFENDANT

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IN THE JUSTICE COURT

PRECINCT ONE

TRAVIS COUNTY, TEXAS

JUVENILE DIVERSION DISMISSING ORDER

The court **FINDS** that Defendant is a child charged with the offense of _____. The court further **FINDS** that Defendant is eligible for diversion under Article 45.304, accepts the terms of the Diversion Agreement signed on _____, 20____ by Defendant and their parent, and:

- ☐ does not contest the charge.
- ☐ agrees to a diversion in lieu of conviction after trial.

Therefore, the court **ORDERS** that the charge against Defendant is dismissed.

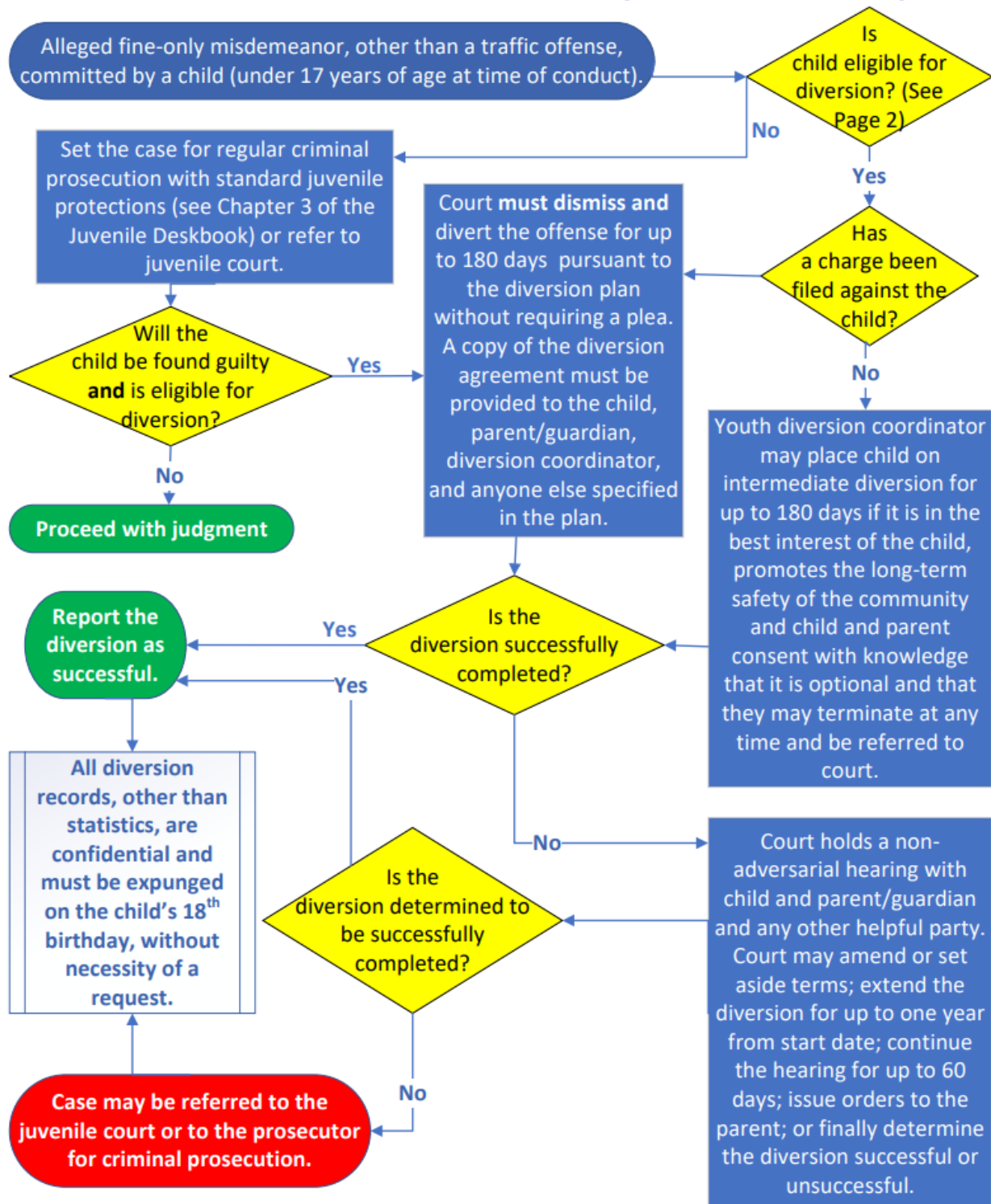
It is further **ORDERED** that this case file and all related records are confidential under Art. 45A.462.

ISSUED AND SIGNED _____, 20____.



Judge Yvonne M. Williams
Justice of the Peace, Precinct One
Travis County, Texas

Juvenile Diversion Flowchart (eff. Jan. 1, 2025)



Juvenile Diversion Eligibility Flowchart (Eff. Jan. 1, 2025)

