

**YOUTH DIVERSION PLAN
CITY OF VICTORIA
MUNICIPAL COURT OF RECORD**

Effective January 1, 2025

Judge Vanessa Heinold

Preface: Texas House Bill 3186, passed 2023 Texas Legislative Session, requires all municipal courts to develop written youth diversion strategies and procedures for children accused of non-traffic fine-only offenses. HB 3186 is known as the “Texas Youth Diversion and Early Intervention Act.” This act goes into effect on January 1, 2025. The Act requires all municipal courts to adopt a written plan that diverts children accused of a misdemeanor punishable by fine only (other than a traffic offense) to diversion services for up to 180 days.

YOUTH DIVERSION & INTERVENTION POLICIES OF THIS COURT

Youth Diversion Coordinator: The Court Administrator of this court, along with input from the Judge of the City of Victoria Municipal Court of Record, will designate a Juvenile Case Manager to act as the youth diversion coordinator to assist with implementation of this plan.

Youth Diversion Coordinator’s Duties Pursuant to HB 3186: The youth diversion coordinator will assist the court in:

- (1) determining whether a child is eligible for diversion.
- (2) employing a diversion strategy authorized by the Act.
- (3) presenting and maintaining files for all diversion agreements. These are confidential.
- (4) monitoring diversions.
- (5) maintaining records regarding whether the diversions were successful or unsuccessful.
- (6) coordinating referrals to other courts, such as the local Juvenile Court.

Eligible Juvenile Defendants: All juvenile defendants between the ages of 10 and 16 who have been charged with or convicted of a fine only offense (Class C misdemeanor), other than traffic offenses, that are under the jurisdiction of the municipal court are eligible for the youth diversion program if agreed to by the juvenile defendant and the juvenile defendant’s parent.

Ineligible Juvenile Defendants: Juvenile defendants who have had a previously unsuccessful diversion or if a prosecutor objects, are not eligible for this type of diversion. Juvenile defendants who do not comply with the terms of a diversion agreement will be referred to the Judge of Municipal Court for a hearing.

Diversion strategies include: requiring a child to participate in relevant programming (including court-approved teen court programs, school-related programs, alcohol or tobacco awareness and drug education programs, rehabilitations programs, and self-improvement programs); referring a child to a service provider; or requiring a child to participate in mediation, submit to drug and alcohol testing, and/or comply with a course of treatment prescribed by a physician or mental health professional. Strategies may also include requiring a child by court order to: pay restitution not to exceed \$100; perform not more than 20 hours of community service; or any other reasonable action determined by the court.



Transfer to Juvenile Court Not Affected. Article 45.303 states that nothing in Subchapter E precludes a case from being referred, adjudicated, or disposed of as Child In Need of Supervision under Title 3 of the Texas Family Code or precludes a permissive or mandatory waiver of criminal jurisdiction and transfer from a municipal court per Section 51.08 of the Texas Family Code.

Right of Public Inspection of General Youth Diversion Plans: General youth diversion plans must be maintained on file for public inspection in each justice and municipal court for inspection by the public, however, specific diversion records for a particular juvenile defendant are confidential.

COURT'S YOUTH DIVERSION AND EARLY INTERVENTION PLAN

ELIGIBILITY: Juvenile defendants between ages of 10-16.

PLEA: No Plea is taken.

CHARGES DIVERTED: Any charge not found in the Texas Transportation Code.

DIVERSION COST: \$50.00 administrative fee for court or 4 hours of community service.

AGREEMENT: Must be agreed to by both the child and parent, in writing.

LENGTH OF TIME DIVERTED: 90 days.

EXTENSIONS: (1) 30 to 90 day extension with good cause MAY be granted.

YOUTH DIVERSION PROCEDURE

All filed charges NOT located in the Texas Transportation Code will be set on a court docket. Once the juvenile appears in court with a parent, eligibility for the youth diversion program will be determined. If the juvenile and parent agrees, and there is no objection by the prosecution, a contract will be signed by the juvenile and parent. The case will be immediately dismissed by the prosecutor. The judge will set the general terms of the diversion with instructions to comply with any and all recommendations from Mid-Coast Family Services. At the completion of the term for the diversion, a report will be submitted to the court from Mid-Coast Family Services outlining whether there was a successful completion. If there was not a successful completion, a hearing will be set before the judge, and with the prosecutor, to determine next steps.

DIVERSION PROGRAMS FOR SPECIFIC CASES

Alcohol Awareness (required course) 6hr

Alcohol Education for Minors

Anger Management for Assault Cases

Cognitive Thinking & Decision Making Skills

Drug & Alcohol Education

Life Skills

Marijuana/THC Education

Vaping & Nicotine Awareness

Texas Tobacco Awareness Class (required course) 4hr

Theft/Shoplifting

Victim Impact of Alcohol & Drug Use

Parenting Skills

Alcohol/Drug Testing through drug testing lab

Community Service (limited to 20 hours)

Residential Treatment Program

Local Mental Health Authority (LMHA) Counseling

Restitution (not to exceed \$100)

Resource for Alcohol, Tobacco, Vaping, Drug, Anger Management, Cognitive Counseling, Theft, Shoplifting, Life Skills Programs

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Art. 45.305. DIVERSION STRATEGIES. (a) Diversion strategies include:

(1) requiring a child to participate in a program, including:

- (A) a court-approved teen court program operated by a service provider;
- (B) a school-related program;
- (C) an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program;
- (D) a rehabilitation program; or
- (E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;

- (2) referring a child to a service provider for services, including:
- (A) at-risk youth services under Subchapter D, Chapter 264, Family Code;
 - (B) juvenile case manager services under Article 45.056;
 - (C) work & job skills training, job interviewing, work preparation;
 - (D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;
 - (E) community-based services;
 - (F) mental health screening and clinical assessment;
 - (G) counseling, including private or in-school counseling; or
 - (H) mentoring services;
- (3) requiring a child to:
- (A) participate in mediation or other dispute resolution processes;
 - (B) submit to alcohol or drug testing; or
 - (C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and
- (4) 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; or
 - (C) perform any other reasonable action determined by the court.
- (b) A diversion strategy may be imposed under:
- (1) an intermediate diversion under Article 45.309;
 - (2) a diversion by a judge under Article 45.310; or
 - (3) a system of graduated sanctions for certain school offenses under Section 37.144, Education Code.
- (c) A diversion strategy under this subchapter may not require a child who is a home-schooled student, as defined by Section 29.916, Education Code, to: (1) attend an elementary or secondary school; or (2) use an educational curriculum other than the curriculum selected by the parent.

SO ORDERED ON DECEMBER 31, 2024


VANESSA HEINOLD