



TARRANT COUNTY  
JUDGE RALPH SWEARINGIN JR.  
JUSTICE COURT, PRECINCT 1

YOUTH DIVERSION PLAN

H.B. 3186

**EFFECTIVE DATE: JANUARY 1, 2025**

*A COPY OF THIS YOUTH DIVERSION PLAN SHALL BE MAINTAINED ON FILE FOR PUBLIC PURPOSES.*

Justice Court, Precinct 1 Youth Diversion Plan allows for early identification of at-risk youth and focuses on redirecting children from the criminal justice system while still holding them accountable for their actions, reducing the future likelihood of recidivism, in accordance with H.B. 3186. The Youth Diversion Plan targets young individuals accused of Non-Traffic Class C misdemeanors. It provides various options, ranging from low-intensity approaches to more intensive referrals for treatment, all intended as alternatives to formal court proceedings. Furthermore, Justice Court, Precinct 1, has appointed all court staff as Youth Diversion Coordinators in accordance with *Article 45.307(a)*, of the Code of Criminal Procedure. Court staff will be responsible for coordinating and assisting with various responsibilities related to youth diversion.

**For purposes of this Youth Diversion Plan, the following definitions apply:**

**“Court”** means and refers to Justice Court, Precinct 1, which is governed by Chapter 45 of the Code of Criminal Procedure.

**“Diversion”** means an intervention strategy to redirect a child from formal criminal prosecution. The term includes two types of diversion: (1) intermediate diversion under *Article 45.309*, which occurs before a charge involving an eligible child is filed, and (2) diversion by 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. This court does not participate in intermediate diversion as stipulated in *Article 45.309 of the Code of Criminal Procedure*. Therefore, all charges filed with the court will be processed through diversion by the judge in accordance with Article 45.310 of the Code of Criminal Procedure.

**“Charge”** means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.

**“Service Provider”** means a governmental agency, political subdivisions (local governments, including school districts), open-enrollment charter school, nonprofit organization or other entity that provides services to children or families.

**1. Youth Diversion Objectives**

The objectives of the Youth Diversion Plan are delineated as follows:

1. To reduce recidivism rates.
2. To promptly identify and address the needs of at-risk children.
3. To ensure community safety while promoting accountability and restorative justice practices.
4. To enhance the quality of life for children and their families.
5. To deliver necessary services to children and their families as soon as possible.
6. To provide children and their families access to appropriate community resources.
7. To attend to the needs of victims.
8. To manage cases efficiently and promptly.

## 2. Youth Diversion Applicability

The Youth Diversion Plan targets a variety of child offenders that allegedly engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense (Art. 45.302). However, Article 45.303 states that nothing in Subchapter E precludes a case from being referred, adjudicated, or disposed of as CINS under Title 3 of the Family Code or precludes a permissive or mandatory waiver of criminal jurisdiction and transfer from a Justice Court per *Section 51.08 of the Family Code*.

## 3. Youth Diversion Eligibility

The Court shall divert the case as follows:

(1) if the child does not contest the charge, the judge will divert the case without the child having to enter a plea; or (2) if the child does contest the charge, the judge shall divert the case at the conclusion of the trial on a finding of guilt without entering a judgment of conviction.

A child **is eligible** to enter into a diversion agreement with this court only once every 365 days. A child is **not eligible** for diversion if the child has previously had an unsuccessful diversion. A child is **not eligible** for diversion if a diversion is objected to by the prosecutor. **A court may not divert** a child from criminal prosecution without the written consent of the child and the child's parent.

## 4. Youth Diversion Administrative Fee:

The court may collect from a child's parent (not the child) a \$50 Local Youth Diversion Administrative Fee to defray the costs of the diversion, but only if the fee is an accepted term in the diversion agreement. The fee must be waived if the parent is indigent or does not have sufficient resources or income to pay the fee, and a court may adopt rules for waiver of the fee for financial hardship. *Code of Criminal Procedure Art. 45.312(c), (d)*. If the parent is able to pay but fails to do so after being ordered to pay, the court may enforce the order by contempt. *Code of Criminal Procedure Art. 45.312(b)*.

## 5. Youth Diversion Strategies

The court will initiate any referral to a service provider outside the court, considering the judge's conditions and guidelines. The court may adopt any of the diversion strategies listed below. However, these programs may include but are not limited to:

- Alcohol and substance abuse programs.
- Tobacco awareness program, or a drug education program.
- A rehabilitation program; or 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.

Furthermore, should the Youth Diversion Plan require the inclusion of community service, the court will provide a list of local non-profit organizations that accommodate individuals with pending legal matters seeking volunteer opportunities. Examples of such organizations include:

- Meals on Wheels Inc. of Tarrant County
- Trinity Habitat for Humanity
- Ronald McDonald House of Fort Worth, Texas
- Tarrant Area Food Bank

- Salvation Army
- Mission Arlington
- Goodwill Locations

Note: A diversion strategy may not, however, be used to require a child who is a home-schooled student to attend an elementary or secondary school or to use an educational curriculum other than the curriculum selected by the parent.

## 6. Youth Diversion Agreement

*Article 45.308* requires all children and their families considered for the Youth Diversion Plan to enter into a written Diversion Agreement. The Justice Court, Precinct One, will customize the Diversion Agreement to suit each individual's unique circumstances. If the requirements of the Diversion Agreement are successfully met, the child's case may be dismissed, and the court will take no further action. However, failing to complete the Diversion Agreement may or may not lead to formal court processing.

## 7. Youth Diversion Plan

As previously outlined, Justice Court Precinct, 1 has adopted a diversion by judge approach. Below is a high-level overview of the process outlined in the courts Youth Diversion Plan.

**1) Eligibility Determination:** The judge will complete the *Diversion by the Court Checklist* with the child and family at the time of initial appearance.

- a. If a child **is eligible** for diversion, the judge determines the best diversion strategy and will refer them back to the court staff for further processing. However, before making the referral, the judge will decide whether to impose the \$50.00 administrative fee or waive it.
- b. If the child **is not** eligible for diversion, the judge will continue with the regular court proceedings, which may include taking the child's plea in open court pursuant to *Code of Criminal Procedure Art. 45.0215(a)*.

**Note:** *The Youth Diversion Plan is voluntary, and the child and family may request to go before the court at any time.*

### 2) Youth Diversion Coordinator Procedure:

- a. The child and parent must enter into a written Diversion Agreement with the court. Based on the judge's recommendation, court staff will review the written Diversion Agreement with both the child and their parent and have them sign the Agreement in the presence of the court.
- b. If determined by the judge, at the time of processing, court staff will assess and collect a \$50.00 administration fee.
- c. Court staff will provide the child and their parent with the tools and referrals needed to complete the Youth Diversion Plan successfully, review the requirements (due dates), and inform the child and parent of what documentation they must submit to the court after completing the program.

- d. Once the Diversion Agreement is signed and processed by the court, the case will be dismissed, and all records will remain confidential. Furthermore, the child and parent will be given a due date for completing the requirements set by the court; court staff will follow up on the status of set requirements the day after the due date given to the child and parent. (see supervision section for details)

***Note:** Diversion supervision may be closed out early due to the child and family meeting all the requirements of their agreement.*

**3) Successful Completion Determination:** Court staff will review the Youth Diversion Plan upon its due date or at any time if the terms of the Diversion Agreement have been met to determine if the child and their parent meet all the necessary requirements.

- a. If diversion **WAS** successful, case will remain finalized under the Diversion Agreement terms.

***Note:** Upon successful completion of the Youth Diversion Plan, the court shall not accept charges related to the case and will not show up on their record. The child will be ineligible for diversion for a period of 365 days.*

- b. If diversion **WAS NOT** successful, court staff will evaluate the case and set it for a Referral Hearing with the judge. The Notice to Appear for Referral Hearing will be sent to both child and parent.

***Note:** If the child and parent do not successfully complete the Youth Diversion Plan terms, the child shall be referred to the court for a hearing, for the purpose of a conference between the judge of the Justice Court, child, and parent. Child and parent may, after notifying the court, bring any other person who may be of assistance to child or the court in determining what is in the best interest of the child and the long-term safety of the community. Furthermore, if the child is found non-compliant, the court will refer the charge to the prosecutor for consideration of re-filing Art. 45.311.*

## **8. Youth Diversion Supervision**

Children placed on diversion supervision can be monitored for as long as 90 days. If a child is placed on diversion supervision for any length of time, a follow up will be added to the case for tracking purposes. If a child is placed on diversion supervision, they must have a minimum of one contact per month. Attempts made are not sufficient unless due diligence has been met. Due diligence will be determined by the court manager or the judge.

## **9. Youth Diversion Records**

Courts must maintain statistics for each diversion strategy authorized. Other than these statistical records, all records are confidential under Art. 45.0217 of the Code of Criminal Procedure, and all records must be expunged without the requirement of a motion or request, on the child's 18th birthday. Code of Criminal Procedure Art. 45.313.

Justice Court, Pct. 1, will maintain statistics for each diversion strategy and will provide on-going feedback on the delivery of diversion services and the need for any modifications to the Youth Diversion Plan for consideration.

## References

Excerpts of this plan as well as some of the procedures were adopted from the following:

- *Tarrant County Child Services – Pre-Court and Diversion Services* and modified to fit the needs of this Justice Court.
- 2024 Court Solutions, LLC Quick Start and Set Up Guide
- *H.B. 3168 Texas Child Diversion and Early Intervention Act*
- H.B. No. 3186; <https://capitol.texas.gov/tlodocs/88R/billtext/html/HB03186i.htm>