

Seabrook Municipal Court Youth Diversion Program

All words and phrases contained herein shall be construed according to definitions in Article 45 of the Texas Criminal Code of Procedure, where provided.

I. OBJECTIVE

The purpose of the City of Seabrook Youth Diversion Program is to identify at-risk youth utilizing a social service approach and redirect youth offenders from the justice system through programming, supervision, and support.

II. APPLICABILITY

The City of Seabrook Youth Diversion Program will apply to any non-traffic related incident that could be formally charged as a criminal offense against a child within the jurisdiction of this Court.

III. DIVERSION PLAN REFERRAL

Any incident that could be formally charged as a criminal offense within the jurisdiction of this Court may be submitted by referral, citation or complaint as required by law.

IV. ELIGIBILITY

- a. Upon review and without objection from the City Prosecutor
- b. Written consent of the child and child's parent or legal guardian
- c. Child has not had a prior diversion plan in the past 365 days
- d. Has never has a prior diversion plan determined to have been "unsuccessful"

V. EVALUATION

The Prosecutor and Youth Diversion Coordinator shall collaborate to determine eligibility and devise a strategy to correct specific behavior and achieve the objectives of the program, utilizing available resources.

VI. STRATEGIES AND RESOURCES

- a. School related disciplinary and educational measures
- b. Drug and alcohol evaluation and education programs
- c. Tobacco Education
- d. Self-Improvement strategies or classes
- e. Leadership Training
- f. Manners/Social skills training
- g. Anger management
- h. Mental Health evaluation and recommended services
- i. Life Skills Training

- j. Any other services that are deemed appropriate to improve empathy and the parent-child relationship
- k. Community based services

VII. INTERMEDIATE DIVERSION INTAKE AND IMPLEMENTATION

The Youth Diversion Coordinator shall review all the information available and applicable to the child and employ a case plan utilizing a strategy suitable for the rehabilitation of the child. Once a plan is recommended, the Youth Diversion Coordinator shall meet with the parent and child to review the proposed case plan, evaluate the parent-child relationship, consider parent input or require the parent to participate in the case plan. The diversion plan may be for a reasonable period not to exceed 180 days. Upon successful completion, the plan shall be closed and reported to the Court as successful. The plan shall be expunged on the child's 18th birthday.

VIII. DIVERSION AGREEMENT

There shall be a written binding Diversion Agreement that contains the components required in Article 45.309 and 45.310 of the Texas Code of Criminal Procedure.

1. The objectives shall consider the child's circumstances
2. Be rationally relevant to the alleged conduct
3. Be realistic to accomplish
4. Be in the best interest of the child and the community.

The written agreement shall contain the following components as required by law:

1. An identification of the alleged conduct and diversion agreement terms in clear and concise language and understandable to the child.
2. Positive and negative consequences of successful completion, or failure to comply with the terms of the diversion agreement.
3. An explanation that a guilty plea is not required, and that participation is not an admission of guilt.
4. An explanation of the review and monitoring process of compliance with the diversion agreement.
5. The agreed length of the diversion plan.
6. Signatures of the child and parent indicate each's consent to diversion with the understanding that diversion is optional. Notification that the child and/or the child's parent may terminate the diversion at any time and acknowledgment that upon termination, the case will be referred to the Court.

IX. REFERRAL TO COURT- UNSUCCESSFUL COMPLETION

If the child does not successfully complete the Intermediate Diversion Program, the case shall be set for a non-adversarial hearing before the Presiding or

Associate Judge. The Judge will confer with all interested parties to determine what is in the best interest of the child and what protects the long-term safety of the community and whether to:

- a. Declare the diversion unsuccessful, and/or
- b. Amend or set aside terms in the Diversion Agreement
- c. Extend the diversion period not exceeding one year from the initial start date.
- d. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement.
- e. Require the parent(s) to perform any act or refrain from performing any act which the Court determines will increase the likelihood the child will successfully complete the diversion and comply with any order of the court that is reasonable and necessary for the welfare of the child.
- f. Find substantial compliance and successful completion.
- g. Refer the case to the Prosecutor for filing.
- h. Transfer the case to Juvenile Court for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

X. COURT PROCEEDINGS

If the diversion is determined unsuccessful, or the child and/or parent declines Intermediate Diversion, upon filing of a complaint by the Prosecutor the case shall be set on a regular Juvenile Docket. If the case proceeds to trial, it will proceed to disposition in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) and (b-3).

DIVERSION PROGRAM COMPONENTS

This is not an exhaustive list of program components. Other resources may be added, or existing components removed consistent with applicable law, when considered appropriate by the City of Seabrook Youth Diversion team.

1. Required regular meetings with the Youth Diversion Coordinator and/or a member of the City of Seabrook Legal Department, determined on a case-by-case basis.
2. Online Educational Classes

Online classes provided by North American Learning Institute (NALI) is an eLearning organization that offers courses for numerous topics to help with at risk youth.

3. Tutoring and/or in school tutorials
4. Written essay covering a topic applicable to the incident
5. Community based services