

§ **IN THE MUNICIPAL COURT**
§ **CITY OF FORT WORTH**
§ **TARRANT COUNTY, TEXAS**

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 “Fort Worth Youth Diversion Program” or “Program.”

IT IS FURTHER ORDERED that the Program shall not limit the types of strategies or services that may be imposed, as needed in the best interest of the child, and promote the long-term safety of the community. Strategies and Services may be tailored to an individual case as determined by the Municipal Court Judge, City Prosecutor and Youth Diversion Coordinator after assessment and collaboration with all interested parties and service providers.

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

SIGNED AND ENTERED on this 20th day of December 2024.

Simon Gonzalez

Simon C. Gonzalez
Chief Judge
City of Fort Worth Municipal Court
Fort Worth, Texas



Fort Worth Municipal Court Youth Diversion Program

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

I. Objective

The purpose of the Program and its related procedures is to:

- A. Reduce recidivism and the occurrence of at-risk behavior through intervention without criminal adjudication.
- B. Assist at risk juveniles utilizing a problem-solving/social service approach.
- C. Divert instances of deviant behavior from criminal adjudication with an emphasis on therapeutic strategies for accountability and responsibility of the child and the child's parent(s), while promoting public safety and order.
- D. Collaborate with all community resources available to achieve the objectives.

II. Applicability

The Program will apply to any behavior that could be formally charged as a criminal offense against a child within the jurisdiction of this Court.

Nothing in this procedure precludes the State from referring a child as a Child in Need of Supervision under Title 3 of the Texas Family Code, or a permissive or mandatory waiver of jurisdiction and transfer under Section 51.08 of the Texas Family Code.

III. Referral for Diversion Program

Non-School related behavior that could be formally charged as a criminal offense within the jurisdiction of this Court shall be submitted by citation or complaint as required by law.

School related offenses shall be referred to the Court by a School Administrator. The referral shall include all school records requested by the City Prosecutor and/or Youth Diversion Coordinator, and any disciplinary history and measures.

IV. Intake & Eligibility

Upon review and without objection by the City Prosecutor, and with the written consent of the child and child's parent, a child is eligible for the diversion program once every 365 days, but only if he or she has not had a prior diversion plan determined to have been "unsuccessful."

V. Diversion Evaluation

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

Resources may include, but not limited to the following:

1. Teen Court;
2. School-related program (disciplinary and educational measures);
3. Educational program;
4. Rehabilitation program;
5. Self-improvement program - strategies or classes;
6. Referred to a Service Provider;
7. Tutoring;
8. Community-based Services;
9. Mental health screening;
10. Clinical assessment;
11. Counseling;
12. Mentoring;
13. Mediation;
14. Alcohol Testing;
15. Drug Testing;
16. Tobacco education;
17. Course of treatment prescribed by a physician;
18. Restitution – *(Diversion by Judge Only; Requires separate Order)*;
19. Community Service - *(Diversion by Judge Only; Requires separate Order)*;
20. Leadership training;
21. Manners/social skills;
22. Anger management;
23. Any other services that are determined to be necessary to improve empathy, the parent-child relationship, or life skills.

VI. Diversion Intake & 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 preliminary case plan is recommended, the Youth Diversion Coordinator shall meet with 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 if appropriate. The diversion plan may be for a reasonable period not to exceed 180 days. Upon successful completion, the case shall be closed and reported as successful to the Court.

VII. Diversion Agreement

There shall be a written binding Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure. The objectives shall consider the child's circumstances; be rationally relevant to the alleged conduct; be realistic to accomplish; and be in the best interest of the child and the community.

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

- A. An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
- B. Positive and negative consequences of successful completion of, or failure to comply with, the terms of the diversion agreement.
- C. An explanation that a guilty plea is not required and that participation is not an admission of guilt.
- D. An explanation of the review and monitoring process of compliance with the diversion agreement.
- E. The agreed length of the diversion plan.
- F. Signatures of the child and parent indicating their 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 acknowledge that upon termination, the case will be referred to court.
- G. Signature of the Municipal Court Judge approving the Youth Diversion Agreement.

VIII. Referral to Court – Prosecutor Objection, Declined Intermediate Diversion or Unsuccessful Completion

If the Prosecutor objects, the child and/or parent decline(s), or the child does not successfully complete the Diversion Program, the case shall be set for a non-adversarial hearing before an *alternate* Municipal Court Judge. The Judge will confer with all interested parties to determine what is in the best interest of the child, 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 to exceed one year from the initial start date;
- D. Continue the hearing for not more the 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 the Juvenile Court for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

IX. Court Proceedings

If the diversion is determined unsuccessful, or the child and /or parent declines the 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 shall be assigned to an *alternate* Municipal Court Judge other than the originally assigned Municipal Court Judge, and will proceed to disposition in accordance with Texas Code of Criminal Procedure, Article 45.041 (a-2) & (b-3).