

Children in the Courts: Diversion & Supporting Success

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Today's Class

Why Diversion?

Let's Make a Plan

What are Youth Diversion Plans?

Resources

Scenarios

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Why Diversion?

Data

- 70% of youth referred to court committed an offense that did not involve physical harm to another person.
- Studies show that diversion is more successful in reducing recidivism than formal court processes. (20% less recidivism than even formal probation in Texas)
- Often youth offenders have underlying issues that can be resolved better outside the justice system.
- Formal adjudication is more costly than diversion.

Goals

- Reduce recidivism
- Reduce stigma
- Allow formal juvenile justice system to focus on serious offenders while still holding juveniles accountable for their behavior
- Put Justice & Municipal Courts on the same page as juvenile courts
- Reduce coercive entry into the system and unnecessary social control
- Improve the lives of youth by reducing risk, improving mental and physical health, enriching relationships at home, and building success in education and work

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Did You Know?

Several studies have even shown that a fine alone can make the risk of recidivism higher!

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What is Diversion?

Details

- Starts for offenses on or after Jan. 1, 2025
- Default = diversion
- All non-traffic offenses
- Only applies to individuals who were under 17 years of age at the time of the offense
- No plea requirement
- Success = no more case

More Details

- You can still transfer cases to Juvenile Court
- Only for juveniles who haven't had an unsuccessful diversion
- Only once per 365 days (date of agreement)
- Not eligible if the State objects (not judge)
- Must have written consent of parent
- Can happen after trial

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What is a Youth/Juvenile Diversion Plan?

This is a plan for how your court will handle these informal diversions in your court.

Each court can have their own plan, or you can collaborate with other precincts and/or counties to create a plan.

They are required under CCP Art. 45.306

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What Should a Plan Include?

- Everything in the statute!
 - In writing
 - No later than January 1, 2025
 - Describe strategies that may be used
 - Keep the plan available for public inspection
- Other items
 - Agreements with local providers
 - What else???

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What About Youth Diversion Coordinators?

CCP Art. 45.307 creates the role of “youth diversion coordinator” to fulfill certain responsibilities.

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Diversion Coordinators

Duties

- Determining whether a child is eligible for diversion
- Employing authorized diversion strategies
- Presenting and maintaining diversion agreements
- Monitoring diversions
- Maintaining records on if diversions are successful or unsuccessful
- Coordinating referrals to court

Who

- Court administrator or clerk or juvenile case manager
- Court-related services office
- CSCD, including juvenile probation department
- County or municipal employee, including peace officer
- Community volunteer
- Institution of higher education (public/private/independent)
- Qualified nonprofit organization as determined by court

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Diversion Coordinators vs. Juvenile Case Managers

Diversion Coordinators

- Run intermediate juvenile criminal diversion programs
- Appointed in the Juvenile/Youth Criminal Diversion Plan by the court

Juvenile Case Managers

- Appointed by Commissioners Court
- Originally created for truancy case work
- Can now do the tasks of a diversion coordinator

Note: some funding sources are available for both positions, and others are only available for one or the other.

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Youth Diversion Account

This account can be used for programs designed to prevent/reduce juvenile referrals to court.

Multiple courts, counties, municipalities may contract for juvenile case managers* or youth diversion coordinators.

Formerly called “Truancy Prevention and Diversion Account/Fund”

LGC § 133.102(e), 134.103(b), 134.156;
CCP Art. 45.056

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Costs of Diversion

Court may collect from a child's parent a \$50 administrative fee to defray the costs if this is an accepted term in the diversion agreement.

Waived if indigent, and diversion may not be contingent on payment of a fee.

Court must maintain records of all fees paid, and the fees must be placed by the treasurer into a special account only used to offset the costs of youth diversion programs.

CCP 45.312

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Scenario I

Rebecca, a 15-year-old, is charged with public intoxication and minor in possession of alcohol in your court. She has never been charged with a crime before. She was very uncooperative with the officer, and the parents told the officer that she has been diagnosed with anxiety and depression and has trouble with authority in school.

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Scenario 2

John, a 12-year-old, is charged with class c graffiti and appears in your court. A few things you notice during your first interaction are:

- Your case manager had to call his name 3 times before he realized she was talking to him even though he was right in front of her.
- He had a hard time waiting in line, and now he is squirming in his seat.
- Your case manager heard him yell at his mom in the hallway.

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Scenario 3

Mark, a 17-year-old, has a DUI pending in your court. Is he eligible for diversion?

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Let's Make a Plan!

Work together at your tables.

Use the Juvenile Diversion Plan Checklist & Worksheet.

Each person should answer the questions for their own county on their worksheet but discuss their answers with the table.

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Agreements

- In writing
- List period of diversion (up to 180 days)
- Include a description of offense and charge being diverted
- Outline responsibilities of the child and parents
- Include written acknowledgment and agreement from juvenile and parents
- Be measurable, realistic, and reasonable - considering the child's circumstances, age and ability, charge being diverted, best interests of the child, and the safety of the community
- Include outcomes (successful/unsuccessful)
- Explain participation is not an admission of guilt
- Explain monitoring process
- Verify that •the child and parent were notified of the child's rights, including the right to refuse diversion, and that the child knowingly and voluntarily consents to diversion

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Resources – <https://docket.wp.txstate.edu/2024/12/19/spotlight-juvenile-diversions-december-2024/>

Juvenile Criminal Diversions
Self- Paced Module

Juvenile Diversion Plan Checklist

Family Guide: Children’s Mental Health
Services – Texas Resilience & Recovery

Fact Sheet: Drug Testing and Wellness
Considerations in Juvenile Treatment
Courts

What Policymakers and System
Leaders Should Know Fact Sheet

TMCEC Resources

Texas Juvenile Mental Health and
Intellectual and Developmental
Disabilities Law Bench Book