



CITY OF SUGAR LAND
MUNICIPAL COURT

YOUTH DIVERSION PLAN

I. Description

As provided by Chapter 45, subchapter “E” of the Texas Code of Criminal Procedure, and contingent on eligibility, a child shall be diverted from formal criminal prosecution through an established Youth Diversion program.

The Youth Diversion Plan gives a child the opportunity to complete a Youth Diversion Plan with realistic and reasonable terms set by the Municipal Court Judge or the Youth Diversion Coordinator. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, and/or restitution, etc. A child’s participation is voluntary and requires the child to accept responsibility for his or her conduct and engage in a diversion agreement. Sugar Land Municipal Court will implement Intermediate Diversion.

The Juvenile Case Coordinator will monitor the child’s compliance throughout their participation in the program which may run up to 180 days. If the child satisfies all the requirements of their diversion agreement, there will be no further proceedings, and the case will be disposed. If the child withdraws or does not successfully complete the diversion agreement, the Sugar Land Municipal Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may transfer the child to a juvenile court or present it to the prosecutor to formally file the charge against the child for criminal prosecution.

If it is determined that more time is necessary for the child to successfully complete diversion, a diversion contract can be extended and/or adjusted.

II. Eligibility

1. The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense.
2. A child has not entered into a diversion agreement in this, or any other jurisdiction, in the past 365 days.
3. A child is not eligible for diversion if the child previously had an unsuccessful diversion.
4. A child is not eligible for diversion if a diversion is objected to by the attorney representing the State.
5. A child may not be diverted from criminal prosecution without the consent of the child and child’s parent/guardian.
6. The child is at least 10 years of age and younger than 17 years of age.



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III. Youth Diversion Goals

1. Prevent formal criminal prosecution.
2. Empower the child to accept responsibility for his/her actions.
3. Encourage acceptance of their consequences.
4. Deter future criminal conduct.
5. Prevent creation or extension of criminal records.
6. Reduce the reoccurrence of problem behaviors leading to gateway misdemeanors.
7. Avoid currency punishments for youth and their parent/guardians with limited financial resources.
8. Prevent impactful convictions.
9. Reduce recidivism.

IV. Youth Diversion Plan

1. Bring together participants (e.g., child and parent(s)/guardian), Judge, Juvenile Case Coordinator, etc.)
2. Conduct a meeting and review charge(s).
3. Ensure the child and parent(s)/guardian understand participation is not an admission of guilt and is voluntary.
4. Discuss the best course of action for the diversion plan.
5. Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement.
6. The child and parent(s)/guardians accept and sign the individualized, written diversion agreement. The agreement will include term(s) and conditions, duration of the agreement, and a date by which conditions must be met. (These terms and conditions will be set on a case-by-case basis).



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V. Strategies

The court may require a child to participate in a pre-trial diversion program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which gives the court wide latitude to tailor a program to help support and rehabilitate a child's behavior. The court may add conditions to a youth diversion plan which may include but are not limited to:

1. Perform Community based services at a non-profit organization or government agency that provides services to the general public that enhances the social welfare and general well-being of the community.
2. Attend a work and job skills training program.
3. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code
4. Attend an alcohol or drug abuse program.
5. Partake in counseling, including private or in-school counseling.
6. Require the child to pay restitution for an offense against property.

VI. Case Management

During the diversion period the Juvenile Case Coordinator will follow-up periodically for the sole purpose of evaluating program progress.

Follow-up measures may include:

1. Follow-up calls to the child and parent(s)/guardian.
2. Contacting the Community Service provider.
3. Communication with school officials.
4. Conduct Additional Court visits as needed.
5. Referrals to educational classes and community service providers.



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VII. Conclusion of Case

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution and is reported as successfully completed. Should the child voluntarily withdrawal from the diversion agreement or fail to comply with the terms of the agreement, the court will:

1. Conduct a non-adversarial hearing.
2. Determine if an extension period should be granted to comply with the diversion agreement.
3. Review terms of the diversion agreement and amend if needed.
4. Transfer the child to juvenile court or refer the charges to the Prosecutor for filling consideration.
5. Issue an order of contempt against the parent(s)/guardian.

Upon the defendants' 18th birthday, all records pertaining to diversion will be expunged without the requirement for a motion or request.