



CORPUS CHRISTI MUNICIPAL COURT

YOUTH DIVERSION PLAN

Effective January 1, 2025



I. Description:

Pursuant to Article 45.306 (b) of the Texas Code of Criminal Procedure, Corpus Christi Municipal Court adopts the Youth Diversion Plan which allows the child to be diverted from criminal prosecution by completing a Youth Diversion Program.

Beginning January 1, 2025, a juvenile who is formally charged with a class C misdemeanor, other than a traffic offense, will have an opportunity for the charge to be diverted by participating in a Youth Diversion Plan. The juvenile and the parent can agree to participate in a Youth Diversion Plan which allows the juveniles to complete conditions including but not limited to educational programs, counseling or community service. The Judge and Juvenile Case Manager will set out the terms and conditions of the Youth Diversion Plan.

Once in the Youth Diversion Program, the Juvenile Case Managers will monitor the child's compliance throughout their participation in the program which can last up to 180 days. If the child elects to participate in the Youth Diversion Plan, the charges are dismissed and if the child successfully complies with the requirements set out in the Youth Diversion Plan, there will be no further proceedings related to the case. If the child does not successfully complete the plan the case will be referred back to the Court for a hearing to determine if the diversion was unsuccessful. If it is determined that the Youth Diversion Plan was unsuccessful, the Prosecutors will determine if the charges should be refiled.

If it is determined that more time is necessary to complete the Youth Diversion Plan, the Youth Diversion Plan can be extended or modified.

II. Youth Diversion Objectives:

The purpose of the Youth Diversion Program is to:

- a. Prevent formal criminal prosecution.
- b. Reduce recidivism and the occurrence of problem behaviors through intervention without having to criminally adjudicate the children.
- c. Identify at-risk youth, including youth with mental health needs, substance abuse disorders, or intellectual and development disabilities and, where appropriate, make referral to early youth and intervention services under Subchapter D, Chapter 264 of the Family Code.

- d. Authorize diversions of children charged with certain offenses punishable by impositions of a fine from criminal adjudication that emphasize the accountability and responsibility of the parent and the child for the child's conduct while also promoting community safety.
- e. Increased collaboration between governmental educational and nonprofit organizations in devising local and regional diversion strategies in rural and urban counties and municipalities.

III. Eligibility:

To be eligible to participate in the Youth Diversion Plan the following criteria must be met:

- a. The child is charged with a misdemeanor offense, punishable by a fine only, other than a traffic offense.
- b. A child has not entered into a Youth Diversion Agreement in the past 365 days.
- c. A child is not eligible for diversion if the child previously had an unsuccessful diversion.
- d. A child is not eligible for diversion if a diversion is objected to by the attorney representing the State.
- e. A child may not be diverted from criminal prosecution without the consent of the child and the child's parent.
- f. The child is at least 10 years of age and under 17 years of age.

IV. Diversion Implementation:

The Judge will review the case/charge for eligibility. Once eligibility has been established, the juvenile and parent will meet with the Judge to determine participation. If the child and the parent agree to participate in the plan the juvenile will meet with the Juvenile Case Manager to be assessed for services or programs. The Judge will meet with the child to ensure voluntary participation and comprehension of the plan. The plan will be signed by the child, parent and judge. The agreement will include the terms of compliance and duration of the agreement.

V. Diversion Agreement:

There shall be a written binding diversion agreement that contains the following considerations required in article 45.308 of the Texas Code of Criminal Procedure.

The Objectives of the agreement shall be:

- a. measurable and reasonable;
- b. consider the child's circumstances;
- c. be rationally relevant to the alleged conduct;
- d. be realistic to accomplish and
- e. be in the best interest of the child and the community.

The written agreement shall contain the following:

- a. an identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child;
- b. positive consequences of successful completion of the plan and the negative consequences of 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 for compliance with the diversion agreement;
- e. The length of the diversion agreement and
- f. signatures of the child and parent indicating each consent to the Youth Diversion Plan with the understanding that diversion is optional.

VI. Participation and Case Management

The Juvenile Case Managers will monitor the child's compliance throughout the child's participation in the program. The Juvenile Case Managers will provide administrative court support. If the child satisfies all the requirements of their diversion agreement, there will be no further proceedings related to the case. If it is determined that more time is necessary for the child to successfully complete diversion, the diversion contract can be extended or adjusted. If the child withdraws or does not successfully complete the diversion agreement, the juvenile case manager will refer the case back to the Court where there will be a non-adversarial hearing to determine if the diversion was unsuccessful.

VII. Not Eligible for Diversion, Prosecution Objection, Declined Participation by Child or Parent, or Unsuccessful Completion

If a child is not eligible for diversion, the Prosecutor objects, or the child and or the parent decline participation, the case will proceed with formal prosecution in the Court.

If a child is not compliant with the Youth Diversion Plan, the case shall be set for a non-adversarial hearing before the Judge. The Judge will confer with all interested parties to determine what is in the best interest of the child and the long-term safety of the community, and whether to:

- a. declare the diversion unsuccessful;
- b. amend or set aside the 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 than 60 days to allow additional time to comply with the terms of the agreement;
- e. require the parents to perform any act, or refrain from performing any act, which the court determines will increase the likelihood that a 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. finds substantial compliance and successful completion or
- g. find the diversion unsuccessful and
 1. refer the case to the Prosecutor for refileing or
 2. transfer the case to the Juvenile Court for an alleged child in need of supervision under section 51.08 of the Texas Family Code.

VIII. Court Proceedings & Diversion

If the child and parent decline diversion and proceed to trial, upon the finding of a guilty verdict, the Judge will determine if the child is eligible for diversion. If the child is eligible for diversion as set out in Section III of this plan, the Judge may offer the juvenile to participate in the Youth Diversion Program. If the child or parent does not consent to the Youth Diversion Program, the Judge will continue with the finding of guilt and proceed with sentencing.

IX. Diversion Records

All records of a diversion pertaining to a child shall be expunged without the requirement of a motion or request on the child's 18th birthday.

This program shall not limit the types of strategies or services that may be imposed as needed in the best interest of the child and to promote the long-term safety of the community. Strategies and services are tailored to each individual case as determined by the Judge and Juvenile Case Manager after assessment and collaboration with all interested parties and service providers.



Jacqueline Del Llano Chapa
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