

# **YOUTH DIVERSION PLAN**

## **FREQUENTLY ASKED QUESTIONS**



## **WHAT IS THE PURPOSE OF THE YOUTH DIVERSION PLAN?**

The purpose of a Youth Diversion Plan is to protect and preserve the interests of Texas youth who have violated the law by providing interventions and strategies designed to assist the youth and to keep his/her record clean.

## **WHO WILL COORDINATE THE SERVICES FOR THE YOUTH DIVERSION PLAN?**

A youth diversion coordinator with the Fort Bend Juvenile Probation Department or the Fort Bend Justice Court will be assigned to assist with the process.

## **WHO IS ELIGIBLE TO PARTICIPATE IN YOUTH DIVERSION PROGRAMS UNDER ART. 45.304 OF THE TEXAS CODE OF CRIMINAL PROCEDURE?**

The youth must be 17 years of age or younger at the time of the alleged criminal/non-traffic offense and shall not have had a prior unsuccessful Diversion Plan. The youth must not have signed a Diversion Agreement within 12 months prior to the commencement of a new Agreement.

## **WHAT IS THE EFFECTIVE DATE OF THE PLAN?**

The Youth Diversion Plan is Effective January 1, 2025.

## **WHAT SHOULD I EXPECT?**

The Youth Diversion Plan is designed to provide strategies, services and other helpful assistance to our youth in the hopes of averting further interactions with the legal system. All plans will be specific to the individual youth and their circumstances. The Youth will enter into a written agreement which must be signed by the youth and the parent. Once the youth and parent signs the Agreement, prosecution of charges will be halted. The duration of the Diversion will be for a set time as determined by the Youth Diversion Coordinator but will be no longer than 180 days. A copy of the executed Agreement must be provided to the child, the parent, the clerk of the court, the Youth Diversion Coordinators, and any other person specified in the executed Agreement.

The Agreement will be monitored by the Youth Diversion Coordinator who will keep in contact with the service providers, the youth, and the parents of the youth to verify that the youth is in compliance and on track to complete services and conditions of the agreement. This will include the Youth Diversion Coordinator taking an active role in communicating with any providers, the youth and the parent.

Participation in this Plan and execution of the Agreement is not an admission of guilt and no plea is required to participate. Participation is voluntary and the child and the parent will be notified of the child's rights, including the right to refuse to participate in the Diversion Plan. The child must knowingly and voluntarily consent to participate in the Plan, and the signatures of both the

child and the parent are required to invoke the rights under this Plan. The Court maintains jurisdiction over the case for the period of the Agreement.

The Court may, at its discretion, amend or set aside certain terms to the Agreement, may extend the diversion period not to exceed one year from the initial start date, order the parent to perform any reasonable act or refrain from any reasonable act, continue any scheduled hearing for up to 60 days, and make a determination that the diversion was successful or unsuccessful. An unsuccessful completion of the Plan may result in the case being referred for prosecution.

### **WHAT TYPES OF STRATEGIES CAN BE EMPLOYED?**

Plan strategies and interventions include, but are not limited to, educational/scholastic programs, teen court programs, intervention and/or prevention programs for alcohol, drug, or tobacco use, rehab therapy, self-improvement programs, referring the youth to a service provider addressing (among other things) at-risk youth services, juvenile case manager services, work and job skills training, academic monitoring and/or tutoring including GED prep, community-based services, mental health screening and/or clinical assessment, private or in-school counseling, mentoring services, ordering the child to pay restitution on property offenses not to exceed \$100, ordering the child to perform community service up to 20 hours, or ordering the child and/or parent to perform any other reasonable action.

### **WHAT HAPPENS AFTER I COMPLETE THE PROGRAM?**

A successful completion of the Agreement will bar the charges leveled against the youth being revived and prosecuted. The records associated with the youth will be automatically expunged when the youth turns 18 years of age.

The Youth Diversion Coordinators shall maintain records on all Plans for three years and shall keep a permanent file on all successful and unsuccessful Plans.