

§           IN THE MUNICIPAL COURT  
§           CITY OF LEONARD  
§           FANNIN COUNTY, TEXAS

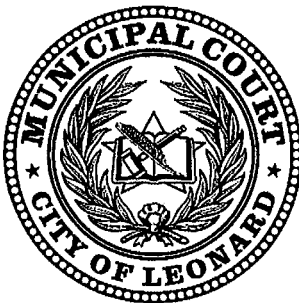
**ORDER ADOPTING A YOUTH DIVERSION PLAN**

**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 “Leonard Youth Diversion Plan” or “Youth Diversion Plan.”

**IT IS FURTHER ORDERED** that the Leonard Youth Diversion Plan shall not limit the types of diversion strategies that may be imposed as needed in the best interests of the child and the long-term safety of the community. Strategies and Services may be tailored to an individual case as determined by the Judge, City Prosecutor and Youth Diversion Coordinator after assessment and collaboration with all interested parties.

**IT IS FURTHER ORDERED** that the current Leonard Youth Diversion Plan shall be maintained on file for public inspection.

**SIGNED AND ENTERED** on this 18th day of September, 2024.



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Judge Scott Smith, Municipal Court  
City of Leonard, Texas  
Fannin County, Texas

# **Leonard Municipal Court Youth Diversion Plan**

**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. Objectives**

**The purpose of the Leonard Youth Diversion Plan and its intervention strategy is to:**

- A. Reduce recidivism and the occurrence of problem behaviors through intervention without criminal adjudication.
- B. Identify at-risk youth utilizing a social service approach.
- C. Redirect a child from formal criminal prosecution with an emphasis on accountability and responsibility of the parent and the child for the child's conduct, while also promoting community safety.
- D. Collaborate with all community resources available to achieve these objectives.

## **II. Applicability**

**This Youth Diversion Plan will apply only to a child who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.**

## **III. Diversion Eligibility**

**A child shall be diverted from formal criminal prosecution when the following diversion eligibility requirements are met.**

- A. The child must be 10 to 16 years old at the time of entering into the agreement.
- B. The child must appear in person at court with a parent.
- C. A child is eligible to enter into a diversion agreement once every 365 days.
- D. A child is not eligible for diversion if the child has previously had an unsuccessful diversion.
- E. A child is not eligible for diversion if a diversion is objected to by the Prosecutor.
- F. The child and the child's parent give written consent.
- G. Multiple offenses are eligible for a diversion agreement if from the same offense date.

## **IV. Diversion Strategies**

**Diversion strategies may include, but are not limited to, the following.**

- A. Perform not more than 20 hours of community service.
- B. An educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program.
- C. A self-improvement program, including a program relating to self-responsibility, anger management, or life skills.
- D. Perform any other reasonable action determined by the court.

## **V. Diversion Agreement**

**There shall be a written binding Diversion Agreement that contains the components required in Article 45.310 of the Texas Code of Criminal Procedure. The objectives must be measurable, realistic, and reasonable and consider the circumstances of the child, the best interests of the child, and the long-term safety of the community. The terms of an agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, or the diversion strategy used. A copy of the agreement shall be provided to the child and the child's parent, and any person specified in the youth diversion plan.**

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

- A. The terms of the agreement, including one or more diversions required to be completed by the child, written in a clear and concise manner and identifying any offense being diverted.
- B. Possible outcomes or consequences of a successful and an unsuccessful diversion.
- C. An explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion.
- D. An explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement.
- E. The agreed length of the diversion plan, which shall not exceed 180 days.
- F. Verification that the child and the child's parents were notified of the child's rights, including the right to refuse diversion.
- G. Verification that the child knowingly and voluntarily consents to participate in the diversion.
- H. Written acknowledgment and acceptance of the agreement by the child and the child's parent.
- I. The Local Youth Diversion Administrative Fee (LYDAF), \$50 administrative fee, will be collected to defray the costs of the diversion of the child's case. The court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee, after an indigency hearing is held or an affidavit is provided.
- J. Upon successful completion, the case shall be closed and reported as successful to the court.

**VI. Unsuccessful Diversion**

**The court shall conduct a non-adversarial hearing for a child who does not successfully complete the terms of a diversion. The Judge will confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community. After the hearing the court may enter an order to:**

- A. Amend or set aside terms in the diversion agreement.
- B. Extend the diversion for a period not to exceed one year from the initial start date of the diversion.
- C. Issue a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion.
- D. Require the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child.
- E. Find the diversion successful on the basis of substantial compliance.
- F. Find the diversion unsuccessful and refer the charge to the prosecutor for consideration of re-filing.