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## MUNICIPAL COURT OF HARKER HEIGHTS TEXAS YOUTH DIVERSION PLAN

The Municipal Court of Harker Heights hereby adopts this Youth Diversion Plan. Effective date January 1, 2025. A copy of this plan and its attachments, if any, shall be maintained on file for public inspection in this court. This plan complies with Art. 45.306 and emphasizes a balanced approach to accountability and support, aiming to reintegrate youth into the community as responsible individuals.

### **Youth Diversion Description**

According to Chapter 45, subchapter "E" of the Texas Code of Criminal Procedure, and subject to eligibility, a child may be diverted from formal criminal prosecution through an established Youth Diversion program.

The Youth Diversion Plan allows a child to complete a Youth Diversion Plan under realistic and reasonable terms determined by the Municipal Court Judge or the recommendation of the Youth Diversion Coordinator. Terms may include a variety of conditions, such as community service, an educational program, counselling, letters of apology, and/or restitution. A child's participation is voluntary, and it requires the child to accept responsibility for his or her actions and enter into a diversion agreement.

The Juvenile Case Manager or Youth Diversion Coordinator will monitor the child's compliance throughout their participation in the program, which could last up to 180 days. If the child meets all the terms of their diversion agreement, there will be no further proceedings in the case. If the child withdraws or does not successfully complete the diversion agreement, the Municipal Court Judge will hold a hearing to determine whether the diversion was unsuccessful. If it is determined that the diversionary measures were ineffective, the court may transfer the child to juvenile court or formally file the charge against the child for criminal prosecution, with the prosecutor's permission.

If it is determined that the youth require additional time to successfully complete the diversion, the time frame can be extended and/or adjusted.

## **Eligibility**

Under Art. 45.306, the program is available to the youth under the jurisdiction of the municipal courts who have committed certain low-level offenses, including:

- The child is at least 10 years of age and younger than 17 years of age.
- A child may not be diverted from criminal prosecution without the consent of the child and the child's parent/guardian.
- The child is charged with a Class C misdemeanor offense, punishable by fine only, other than a traffic offense. (e.g., truancy, minor theft, disorderly conduct, Alcohol Cases (Possession, Consumption, Intoxication), Failure to Identify, Littering, Possession of Drug Paraphernalia, Possession of Fireworks, Tobacco).
- Offenses not involving serious bodily harm, weapons, or other aggravating factors.
- A child has not entered into a diversion agreement in the past 365 days.
- A child is not eligible for diversion if the child previously had an unsuccessful diversion.
- A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.

## **Youth Diversion Goals and Purpose**

The youth diversion program aims to:

- Prevent the long-term consequences of formal criminal records for minors.
- Empower the child to accept responsibility for his/her actions.
- Encourage acceptance of their consequences.
- Deter future criminal conduct.
- Prevent the creation or extension of criminal records.
- Reduce the reoccurrence of problem behaviors leading to gateway misdemeanors.
- Avoid currency punishments for youth and their parent/guardians with limited financial resources.
- Reduce recidivism by addressing the root causes of offending behavior.

## **Youth Diversion Plan**

The youth diversion plan incorporates the following key elements:

- Initial Screening: Evaluate the youth's risk factors, including family dynamics, educational status, and any underlying behavioral or mental health issues by bringing together participants (e.g., child and parent(s)/guardian and Juvenile Case Manager).
- Conduct a meeting and review charge(s).
- Ensure the child and parent(s)/guardian understand participation is not an admission of guilt and is voluntary.
- Discuss the best course of action for the diversion plan.
- Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement.
- Determine if the \$50.00 local youth diversion administrative fee to pay the cost of the diversion of the child's case due within 10 days of agreement date is feasible. If a parent is facing hardship and is unable to pay, the court may waive the fee.
- The child and parent(s)/guardians) accept and sign the individualized, written diversion agreement. The agreement will include term(s) of compliance, 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).

## **Strategies**

The court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which include but are not limited to:

- Require a child to participate in a court approved teen court program.
- Perform Community based services at a non-profit organization or government agency that provides services to the public that enhances the social welfare and general well-being of the community.
- Attend a work and job skills training program.
- Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code
- Attend an alcohol or drug abuse program.
- Partake in counseling, including private or in-school counseling.
- Get involved in mentoring.
- Require the child to pay restitution for an offense against property.
- Collaborate with schools, non-profits, law enforcement, and local businesses

## **Case Management**

During the diversion period, the Judge, Juvenile Case Manager, or Prosecutor will follow-up periodically for the sole purpose of evaluating program progress.

Follow-up measures may include:

- Follow-up calls to the child and parent(s)/guardian.
- Contacting the Community Service provider.
- Communication with school officials.
- Conduct additional meetings as needed.
- Referrals to educational classes and community service providers.
- Collect participant feedback.
- Monitor program effectiveness and provide annual reports.

## **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. Upon successful completion, the offense is dismissed, and records are eligible for expungement.

Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court will:

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