

# Corinth Municipal Court Youth Diversion Program

## I. Description

The Corinth Municipal Court Youth Diversion Program (the “Youth Diversion Program”) is designed to provide an alternative to traditional court proceedings for eligible youth offenders. This program will apply to any behavior that could be formally charged as a criminal offense against a child within the jurisdiction of this Court. This program adheres to Texas H.B. 3186 and is structured in accordance with Article 45.306(b) of the Texas Code of Criminal Procedure. The program aims to reduce recidivism, promote accountability, and provide educational and rehabilitative opportunities for youth.

The Youth Diversion Plan allows 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.

The Youth Diversion 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 related to the case. If the child withdraws or does not successfully complete the diversion agreement, the 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 formally file the charge against the child for criminal prosecution, with the prosecutor’s approval.

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

## II. Youth Diversion Plan Goals & Objectives

1. Reduce Recidivism: Minimize repeat offenses among youth by providing constructive interventions.
2. Promote Accountability: Empower youth to accept responsibility for their actions through community service and restitution.
3. Reduce the recurrence of problem behaviors leading to gateway misdemeanors and deter future criminal conduct.
4. Prevent formal criminal prosecution and prevent the creation or extension of criminal records.
5. Avoid currency punishments for youth and their parent/guardians with limited financial resources.
6. Enhance Life Skills: Provide educational resources and support to develop positive life skills.
7. Improve Community Relations: Foster better relationships between youth and law enforcement, community members, and the judicial system.
8. Support Families: Engage families in the diversion process to promote a supportive home environment.

## III. Eligibility (Article 45.304 Code of Criminal Procedure)

1. The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense. Examples include theft, vandalism, and minor drug and alcohol offenses.
2. A child has not entered into a diversion agreement 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. Consent Required. A child may not be diverted from criminal prosecution without the consent of the child and the child's parent/guardian.
6. The child is at least 10 years of age and younger than 17 years of age.

#### **IV. Referral to Youth Diversion Program**

Non-School related behavior that could be formally charged as a criminal offense within the jurisdiction of this Court may be submitted by referral, citation, or complaint as required by law.

School related offenses shall be referred to the Court by a School Administrator. The referral shall include all school records requested by the City Prosecutor and/or Youth Diversion Coordinator, and any disciplinary history and measures.

Referrals to the Youth Diversion Program may be made by:

1. Law enforcement officers at the time of the offense.
2. The Youth Program Coordinator.
3. The Corinth Municipal Court Judge during arraignment.
4. Parents or guardians of the child.
5. School officials.

#### **V. Intake, Evaluation & Eligibility**

1. Initial Screening: Upon referral, the Youth Program Coordinator will conduct an initial screening to determine eligibility based on offense type, age, and prior history.
2. Parental Consent: Consent from a parent or guardian is required for the child to participate in the program.
3. Assessment: A comprehensive assessment will evaluate the child's needs, strengths, and any underlying issues contributing to their behavior. The City Prosecutor and Youth Diversion Coordinator shall collaborate to determine eligibility and devise a strategy to correct the specific behavior and achieve the objectives of the program, utilizing available resources. During the evaluation process, the following will be considered.
  - a. The individual needs of the child.
  - b. Any educational, mental health, or substance abuse issues.
  - c. The child's support system, including family and community resources.

#### **VI. Diversion 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:

1. Perform Community based services (Not to exceed 20 hours) 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 self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution.
4. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code
5. Attend an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program.
6. Partake in counseling, including private or in-school counseling.
7. School related disciplinary and educational measures
8. Partake in mentoring.
9. Require the child to pay restitution for an offense against property not to exceed \$100 for an offense against property under Title 7, Penal Code.
10. Perform any other reasonable action determined by the Court.

## **VII. Case Management**

During the diversion period, the Judge, Youth Diversion Coordinator, Juvenile Case Manager, or Prosecutor 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 third-parties to confirm the status or completion of the child's requirements as set out in the Youth Diversion order.
3. Communication with school officials.
4. Conduct additional meetings as needed.
5. Referrals to educational classes and community service providers.

## **VIII. Diversion Agreement**

There shall be a written binding Youth Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure and applicable law. The objectives shall a.) consider the child's circumstances, b.) be rationally relevant to the alleged conduct, c.) be realistic to accomplish, and d.) be in the best interest of the child and the community.

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

1. An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
2. Positive and negative consequences of successful completion of, or failure to comply with, the terms of the diversion agreement.
3. An explanation that a guilty plea is not required, and that participation is not an admission of guilt.
4. An explanation of the review and monitoring process of compliance with the diversion agreement.
5. The agreed length of the diversion plan.
6. Signatures of the child and parent indicating each's consent to diversion, with the understanding that diversion is optional. Notification that the child and/or the child's parent may terminate the diversion at any time, and acknowledgement that upon termination, the case will be referred to Court.
7. Sworn Affidavit: As part of the agreement, the child and parent/guardian will sign a sworn affidavit

confirming that the youth has not participated in any youth diversion program within the last 365 days. This affidavit will serve to ensure that the diversion program is being used appropriately and that the child is eligible for this opportunity.

**IX. Successful Completion of Your Diversion Program – Conclusion of Case**

1. Completion of Program: Upon successful completion of the diversion program, the child will be referred back to the Court for dismissal of charges.
2. Court Dismissal: If all conditions are met, the Court will formally dismiss the case, allowing the child to avoid a permanent criminal record.
3. Expunction. All records of a diversion pertaining to a child shall be expunged without the requirement of a motion or request on the child's 18<sup>th</sup> birthday.

**X. Referral to Court**

**A. Child contest charge, Child is not eligible for diversion, Prosecutor objects, or Child and/or Parent decline participation**

If the child wants to contest the charges and/or if the child and/or parents do not give written consent for participation, the prosecutor objects, or the child and/or parent decline participation, the case will be referred to the prosecutor who may file the complaint and proceed with formal prosecution.

Judicial Diversion. If, after trial, a verdict of guilt is returned, the Judge will determine if the child is eligible for diversion. If the child is eligible as outlined in this plan, the Judge may offer participation in the Youth Diversion Program in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3).

**B. Non-Compliance or Unsuccessful Completion of Youth Diversion Program**

If a child is not compliant with the DAP, 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, what protects the long-term safety of the community, and whether to:

1. Declare the diversion unsuccessful, and/or
2. Amend or set aside terms in the diversion agreement.
3. Extend the diversion period not to exceed one year from the initial start date.
4. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement.
5. Require the parent(s) to perform any act, or refrain from performing any act, which the Court determines will increase the likelihood the 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.
6. Find substantial compliance and successful completion.
7. Refer the case to the prosecutor for filing.
8. Transfer the case to the Juvenile Court for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

**XI. Conclusion**

Nothing in this procedure precludes the State from referring a child as a Child in Need of Supervision

under Title 3 of the Texas Family Code, or a permissive or mandatory waiver of jurisdiction and transfer under Section 51.08 of the Texas Family Code.

The Corinth Municipal Court Youth Diversion Program aims to provide youth with the opportunity for rehabilitation and growth, steering them away from the criminal justice system while fostering community involvement and personal accountability. Through a structured approach, we hope to support our youth in becoming positive, productive members of society.

§ IN THE MUNICIPAL COURT

§ CITY OF CORINTH

§ DENTON 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 “Corinth Youth Diversion Program” or “Program.”

**IT IS FURTHER ORDERED** that the 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 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 and service providers.

**IT IS FURTHER ORDERED** that the procedures, components, and applicable law referenced in the Corinth Youth Diversion Program shall be maintained on file for public inspection.

SIGNED AND ENTERED on this 12<sup>th</sup> day of December, 2024



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Gilland Chenault  
Presiding Judge  
Corinth Municipal Court  
Denton County, Texas