

§ IN THE MUNICIPAL COURT
§ CITY OF PARKER
§ COLLIN 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 “Parker 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 Municipal 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 Parker Youth Diversion Plan shall be maintained on file for public inspection.

SIGNED AND ENTERED on April 14, 2025, to be effective January 1, 2025.

A handwritten signature in black ink, appearing to read 'David Hill', is written over a horizontal line.

David Hill
Presiding Municipal Judge
City of Parker, Texas

Parker 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. Objective

The purpose of this program and its related procedures is to:

- A. Reduce recidivism and the occurrence of at-risk behavior through intervention without criminal adjudication.
- B. Identify at-risk juveniles utilizing a social service approach.
- C. Divert instances of deviant behavior from criminal adjudication with an emphasis on therapeutic strategies for accountability and responsibility of the child and the child's parent(s), while promoting public safety and order.
- D. Collaborate with all community resources available to achieve these objectives.

II. Applicability

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.

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.

III. Referral for Diversion Program

Non-School, Non-traffic 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 an appropriate School Resource Officer. The referral shall include records requested by the City Prosecutor and/or Youth Diversion Coordinator, and any disciplinary history and measures, if available.

IV. Diversion Eligibility and Evaluation

Upon review and without objection by the City Prosecutor, and with the written consent of the child and child's parent, a child is eligible for the diversion program once every 365 days, but only if he or she has not had a prior diversion plan determined to have been "unsuccessful."

The Municipal Judge, City Prosecutor, and Youth Diversion Coordinator shall collaborate to determine eligibility, devise a strategy, and evaluate an action plan to correct the specific behavior and achieve the objectives of the program, utilizing available resources.

Resources may include (but are not limited to): school related disciplinary and educational measures, drug and alcohol evaluation and education programs, tobacco education, self-improvement strategies or classes, leadership training, manners/social skills, anger management, mental health evaluations and recommended services, and any other services that are determined to be necessary to improve empathy, the parent-child relationship, and life skills.

V. Diversion Intake

The Youth Diversion Coordinator shall review all information available and applicable to the child and conduct an intake interview with the parent and/or child prior to any case setting. The Intake interview outcome shall be made available to the Judge.

The matter will be set for a non-adversarial hearing, at which time, the child will be formally evaluated by the Municipal Judge and, if eligible, the Parent and Child may voluntarily enter into a Diversion Action Plan Agreement.

VI. Diversion Action Plan Agreement (DAPA)

There shall be a written binding Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure (*See Appendix B for 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:

- A. An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
- B. Positive and negative consequences of successful completion of, or 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 of compliance with the diversion agreement.
- E. The agreed length of the diversion plan.
- F. Assessment of the Court's \$50 Diversion Administrative fee used to defray the cost of the diversion, if applicable. Fee may be waived for parental financial hardship.
- G. 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.

VII. Diversion Implementation and Assessment

The Municipal Judge will periodically confer with all interested parties including the child and the child's parent at a non-adversarial hearing(s) to monitor the Diversion Action Plan. The hearing will assist with diversion assessment, evaluating action plan progress, and the opportunity to take appropriate action(s) so as to determine what is in the best interest of the child, what protects the long-term safety of the community, and whether to:

- A. Declare the child eligible for Youth Diversion and, if agreed to by the child and parent, enter into Diversion Agreement and impose a Diversion Action Plan specific to the child's needs.
- B. Amend or set aside terms in the Diversion Action Plan Agreement.
- C. Extend the diversion period not to exceed one year from the initial start date.
- D. Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the Diversion Agreement.
- E. 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.
- F. Find substantial compliance and successful diversion completion.
- G. Declare the diversion unsuccessful.
- H. Refer the case to the Prosecutor for filing.
- I. Transfer the case to a Juvenile Court with jurisdiction for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

VIII. Court Proceedings

If the Diversion is determined unsuccessful, or the child and/or parent declines the Diversion, upon filing of a complaint by the Prosecutor the case shall be set on a regular docket. If the case proceeds to trial, the Municipal Judge may handle the case or assign the case to an Alternate Municipal Judge and the matter will proceed to disposition in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3).

APPENDIX A

Diversion program components consist of (but are not limited to*):

- Youth Diversion Action Plan: Periodic meetings with Youth Diversion Coordinator and Municipal Judge, determined on a case-by-case basis, to determine specific needs of a child and to evaluate the child's level of compliance and intervention with said plan.
- Life Skills / Mental Health Program: A multi-week course presented by a Court-approved provider that teaches effective mental health skills that last a lifetime. Program topics typically include (but are not limited to): Managing emotions; Coping with stress and real/perceived threats; Making better decisions; Practicing gratitude; Developing positive healthy habits; and Creating and maintaining healthy relationships.
- Drug Awareness: A course that covers topics related but not limited to the principle of drugs; downers/uppers; the brain on drugs; alcohol, opiates, and sedatives; actions and consequences; marijuana; emotional intelligence and coping with emotions with drugs; etc.
- Anger Management: Anger management and conflict resolution classes that help participants understand what to do when anger is out of control. Topics covered (but not limited to): A Self-Scoring Assessment, Controlling Anger, Setting Boundaries, Assertive vs. Aggressive Behavior, Family Conflict Management, and General Conflict Resolutions Skills.
- Additional counseling resources: The Youth Diversion Coordinator will maintain and provide a list of counseling/course resources should a child be ordered to complete counseling/course services. The provider list will include information for mental health care services and organizations providing services in areas such as (but not limited to): addiction, recovery, adolescents, relationships, anxiety, and depression.
- Online Educational classes: Online courses provided by a Court-approved provider that focuses on interventions that change offender behavior related to alcohol, marijuana, vaping, prescription drug misuse, shoplifting, domestic violence, and anger-related violations. The classes are evidence-based online courses grounded in the most effective strategies for changing attitudes and behaviors. Prior Court approval must be granted in writing before completing any online course.
- Tutoring and/or in school tutorials.

Parents also receive:

- Face-to-face meetings with the Youth Diversion Coordinator.
- Educational materials.
- A written copy of the Youth Diversion Action Plan Agreement.
- Access to help line for children addicted to nicotine.

** This is not an exhaustive list of program components. Other resources may be added, or existing components removed consistent with applicable law, when considered appropriate by the Parker Youth Diversion Program Team.*

APPENDIX B

Applicable law may be found at the following links:

[Texas Code of Criminal Procedure Article 45.301 – Definitions \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.302 – Applicability \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.303 – Transfer to Juvenile Court Not Affected \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.304 – Diversion Eligibility \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.305 – Diversion Strategies \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.306 – Youth Diversion Plan \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.307 – Youth Diversion Coordinator \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.308 – Diversion Agreement \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.310 – Diversion by Justice or Judge \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.311 – Referral to Court \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.312 – Local Youth Diversion Administrative Fee \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.313 – Diversion Records \(public.law\)](#)