

Municipal Court of the City of Pasadena, Texas

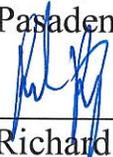
Youth Diversion Plan*

[*NOTE: For more information/context regarding youth diversion and the purpose/goals of the Texas legislature and governor, see/research the following:

1. The Texas Youth Diversion and Early Intervention Act (H.B. 3186);
2. Texas Code of Criminal Procedure, Chapter 45A, Subchapter E, Youth Diversion, Article 45.301, et seq.;
3. Texas Legislature Online website (www.capitol.texas.gov);
4. Texas Municipal Courts Education Center website (www.tmcec.com), including, more specifically, www.tmcec.com/youth-diversion/ www.tmcecblog.com; and/or
5. Internet search of “H.B. 3186,” “Texas youth diversion,” and/or similar terms.

Also, a special note of thanks to the Texas Municipal Courts Education Center, including Mark Goodner (TMCEC General Counsel & Director of Education) for his work on a model youth diversion plan (see [Youth Diversion Plans: Elements to Consider – Full Court Press](#)), which this court used as a draft plan.]

Pursuant to the Texas Youth Diversion and Early Intervention Act (H.B. 3186), the Judge of the Municipal Court of the City of Pasadena (Judge Richard Risinger) hereby adopts this Youth Diversion Plan for the Municipal Court of the City of Pasadena, signed on December 23, 2024, effective on January 1, 2025.



Richard Risinger,
Judge of the Municipal Court of The City of Pasadena

(1) Purpose and Goals

Purpose: The purpose of the Youth Diversion Plan is to provide an alternative to formal prosecution for eligible children focusing on accountability, rehabilitation, and community safety. This plan aims to address the underlying causes of a child's behavior, reduce recidivism, and prevent the long-term consequences of criminal records, enabling positive outcomes for youth and the community.

Goals:

- a) **Promote Accountability:** Ensure that youth understand the impact of their actions and take responsibility in a constructive manner.
- b) **Address Underlying Causes:** Provide access to tailored interventions such as counseling, education, and mentorship programs to address the root causes of delinquent behavior.
- c) **Reduce Recidivism:** Decrease the likelihood of repeat offenses by equipping children with tools and skills for better decision-making.
- d) **Encourage Parental and Community Engagement:** Foster active participation of parents/guardians and community stakeholders in supporting the child's success.
- e) **Ensure Fairness and Consistency:** Apply diversion strategies in an equitable way that are aligned with legal and ethical standards while considering individual circumstances.
- f) **Maintain Community Safety:** Balance the best interests of the child with the long-term safety and well-being of the community.

(2) Eligibility Criteria

To qualify for diversion under the Youth Diversion Plan, the following criteria must be met:

- a) **Age:** The individual must be between 10 and 16 years old at the time of the offense.
- b) **Offense Type:** The offense must be a misdemeanor punishable by fine only, excluding traffic violations or other offenses explicitly excluded by law.
- c) **Previous Diversion:**
 - The child must not have entered into any diversion agreement within the past 365 days.
 - A child with a prior unsuccessful diversion is permanently ineligible.
- d) **Parental Consent:** Both the child and their parent or legal guardian must consent to participate in the diversion program.
- e) **Prosecutorial Objection:** The prosecutor must not raise a legal objection to the diversion.
- f) **Jurisdiction:** The offense must fall under the jurisdiction of the municipal or justice court as defined by applicable statutes.

(3) Diversion Strategies

Youth diversion strategies aim to address the underlying causes of a child's behavior while fostering accountability and positive development. Strategies may include:

- a) **Educational Programs:** Classes focused on life skills, anger management, or offense-specific topics (e.g., theft prevention or substance abuse education).
- b) **Counseling and Therapy:** Individual or family counseling to address mental health challenges or interpersonal issues.
- c) **Community Service:** Assigning meaningful service projects that allow children to contribute positively to their community.
- d) **Restitution:** Requiring the child to compensate victims for financial or property loss, when applicable (up to \$100 for specific offenses under Title 7 of the Penal Code).
- e) **Mentorship Programs:** Pairing children with mentors who provide guidance and support to help them make better decisions.
- f) **Peer Court or Teen Court:** Participation in a structured program where peers determine appropriate consequences.
- g) **Substance Abuse Treatment:** Referrals to programs focused on preventing and addressing substance use disorders.

(4) Role of the Judge of the Municipal Court

The Judge of the Municipal Court (with assistance from the Clerk of the Municipal Court, other court staff, and the Youth Diversion Coordinator) is responsible for managing and overseeing the court's youth diversion program. He or she plays the central role in ensuring the success of the program by implementing a youth diversion plan that is fair and efficient, under the law, which includes bridging the gap between the court and the community, fostering accountability, and supporting youth on their path to positive change.

(5) Role of the Youth Diversion Coordinator (city prosecutor)

The Youth Diversion Coordinator (with assistance from the judge, clerk of the court and other court staff, as needed) serves as an important figure in managing and overseeing the court's youth diversion program. He or she plays a critical role in ensuring the success of the program by helping to bridge the gap between the court and the community, fostering accountability, and supporting youth on their path to positive change. The YDC's responsibilities include:

Eligibility Assessment: Reviewing cases to determine if a child meets the criteria for youth diversion under the Code of Criminal Procedure; ensuring proper documentation of eligibility and securing consent from the child and their parent/guardian.

Program Oversight: Designing and tailoring diversion strategies that address the individual needs of the child while considering community safety; and may include monitoring the child's progress throughout the diversion period and helping to ensure compliance with the terms of the agreement.

(6) Role of the Clerk of the Municipal Court and other court staff

The Clerk of the Municipal Court (subject to the judge's direction and control, and with assistance from other court staff, as directed) serves as an important figure in managing and overseeing the court's youth diversion program. He or she plays a critical role in ensuring the success of the program by assisting the Youth Diversion Coordinator in bridging the gap between the court and the community, fostering accountability, and supporting youth on their path to positive change. The Clerk's responsibilities include:

Monitoring and Liaison Role: Each participant is responsible for tracking the progress of each participant, and ensuring compliance with the terms of their diversion agreement. However, the clerk may include monitoring the child's progress throughout the diversion period and helping to ensure compliance with the terms of the agreement. Also, the clerk will act as the primary point of contact for the court, child, their family, and any service providers involved in the diversion program.

Confidentiality Management: Maintaining the confidentiality of diversion records in accordance with Article 45A.462 of the Code of Criminal Procedure.

Reporting and Evaluation: Tracking program outcomes, such as success and recidivism rates, and reporting findings to the court for review and evaluation.

(7) Consent and Agreement Protocols

The protocol for consent and agreement ensures transparency and voluntary participation:

Step 1: Notification of Rights

The child and their parent/guardian will be informed of:

- The purpose and terms of the youth diversion program;
- The voluntary nature of participation;
- The child's right to refuse participation without admitting guilt; and
- The potential consequences of successful or unsuccessful completion of the program.

Step 2: Eligibility Confirmation

The Youth Diversion Coordinator will:

- Verify the child's eligibility for diversion based on statutory criteria; and
- Explain the specific diversion strategies that may be included in the program.

Step 3: Agreement Review

A written diversion agreement will be presented to the child and their parent/guardian, including:

- The responsibilities of the child and parent/guardian;
- The measurable objectives and terms of the agreement;
- Acknowledgement that participation does not constitute an admission of guilt; and
- Explanation of the monitoring and compliance review process.

Step 4: Consent to Participate

The child and their parent/guardian must:

- Sign the diversion agreement, affirming they have been informed of their rights, agree to the terms, and consent to participate; and
- Acknowledge that the parent/guardian's role in the program is to support the child and, where applicable, fulfill specific requirements such as payment of administrative fees.

Step 5: Documentation and Copies

The court will:

- Provide copies of the signed agreement to the child, their parent/guardian, and the Youth Diversion Coordinator; and
- Retain the original signed agreement in the court's confidential diversion program records.

Step 6: Program Initiation

The Clerk, or other court staff, as directed:

- Will monitor the child's progress according to the terms of the agreement, if necessary; and
- Will serve as the primary point of contact for questions or concerns during the program.

(8) Confidentiality Measures

- Secure Recordkeeping:** The court will maintain all diversion records in a secure physical or digital systems accessible only to authorized personnel.
- Expunction of Records:** Diversion records will be expunged upon the child's 18th birthday.
- Parent and Youth Awareness:** Participants will be informed of the confidentiality of their records and the consequences of unauthorized disclosure.
- Aggregate Reporting:** Only non-identifiable data will be used for program evaluation.

(9) Collaboration and Partnerships

Collaboration and partnerships are critical to the success of the Youth Diversion Plan. They ensure a supportive, comprehensive network to address the underlying causes of youth misconduct and promote positive outcomes and strengthen the overall impact of the program.

- Interagency Collaboration:** The court will work closely with local governments, schools, law enforcement, and juvenile case managers to ensure seamless coordination of youth diversion efforts. Partnerships with mental health authorities, substance abuse counselors, and community service providers will provide a wide range of resources tailored to meet the needs of each participant.
- Interlocal Agreements:** Where appropriate, the court will leverage Interlocal Agreements under Chapter 791 of the Government Code to share resources, fund juvenile case managers, and establish regional diversion programs in collaboration with other municipalities or counties. Such agreements will enhance efficiency, expand program reach, and reduce costs.
- Community Engagement:** The court will partner with community organizations, nonprofits, and local businesses to develop mentorship opportunities, educational programs, and community service projects.

These partnerships will strengthen community ties and provide participants with valuable life skills and experiences.

- d) **School Collaboration:** Collaboration with local school districts, when appropriate, will ensure early identification of at-risk youth and integration of diversion strategies into school-based disciplinary processes. Schools will play a pivotal role in supporting youth through monitoring and providing data for evaluation.
- e) **Ongoing Feedback and Input:** Regular communication with stakeholders, including families, service providers, and community representatives, will ensure the program remains responsive to the needs of participants and the community. Feedback will be incorporated into program evaluations and considered when making improvements to the diversion program.

(10) Funding and Resources

Funding and resource allocation are critical to the successful implementation and sustainability of the Youth Diversion Plan. The court will utilize a combination of statutory funding sources, local resources, and partnerships to ensure the program operates effectively and meets the needs of participants. By leveraging these funding sources and resources, the Youth Diversion Plan will remain sustainable and impactful, offering meaningful opportunities for youth to succeed while promoting community safety.

a) **Statutory Funding Sources:**

Local Youth Diversion Fund: Established in 2023, this fund is supported by 35.7% of the \$14 Local Consolidated Fee. The funds will be used to finance diversion strategies, support juvenile case managers, and provide necessary resources for program implementation.

Administrative Fees: The court may collect a \$50 administrative fee from the child's parent to defray program costs, provided the fee is included in the diversion agreement and does not create a financial barrier to participation. Fee waivers are available for indigent families.

Graffiti Abatement Fund: Fees from graffiti-related cases filed January 2025 or later may be allocated to support youth diversion programs, particularly for restitution and community service initiatives.

- b) **Local and Regional Collaborations:** The court may explore partnerships through Interlocal Agreements with neighboring municipalities, counties, and school districts under Chapter 791 of the Government Code. These agreements allow pooling of resources for shared juvenile case managers, joint training programs, and regional youth diversion initiatives.
- c) **Community and Nonprofit Support:** Partnerships with community organizations, nonprofits, and local businesses may provide additional resources such as mentorship programs, educational materials, and mental health services. Volunteer programs and donations may supplement existing funding for community service projects or specific diversion strategies.
- d) **Resource Allocation:** Priority may be given to funding strategies that directly address the underlying causes of delinquent behavior, such as mental health counseling, substance abuse treatment, and educational programs. Staff training, data tracking systems, and program evaluation tools may also be funded to ensure effective program delivery and continuous improvement.

(11) Evaluation and Monitoring

Evaluation and monitoring are essential components of the Youth Diversion Plan to ensure its effectiveness, fairness, and alignment with the goals of accountability, rehabilitation, and community safety. This structured approach to evaluation and monitoring ensures the Youth Diversion Plan remains effective, adaptable, and focused on achieving positive outcomes for both youth and the community.

- a) **Monitoring:** Each participant is responsible for tracking the progress of each participant, and ensuring compliance with the terms of their diversion agreement. However, the Clerk of the Municipal Court (subject to the judge's direction and control, and with assistance from other court staff, as directed) may choose to track the progress of each participant, to help ensure compliance with the terms of their diversion agreement. This includes:
 - Possible check-ins with the child and their parent/guardian to assess progress;
 - Possible communication with service providers to verify participation in assigned programs (e.g., counseling, community service); and
 - Maintaining accurate and confidential records of the youth's compliance and outcomes.
- b) **Evaluation:** The court will regularly review the effectiveness of the diversion program using the following key metrics:
 - *Completion Rates:* The percentage of children successfully completing their diversion agreements;
 - *Recidivism Rates:* The rate at which participants re-offend within a defined period after completing the program; and
 - *Compliance Rates:* The level of adherence to the terms outlined in diversion agreements.
- c) **Implementation Review Process:** The court will regularly evaluate the program to determine whether improvements need to be made.
- d) **Annual Review Process:** At the end of each year, the court will conduct a comprehensive evaluation of the program, including:
 - Analysis of success and recidivism data to identify trends;
 - Stakeholder feedback from participants, parents, service providers, and court personnel; and
 - Assessment of resource allocation, identifying areas where additional support may be needed.
- e) **Continuous Improvement:** Based on evaluation findings, the court will:
 - Revise diversion strategies to address gaps or challenges;
 - Provide additional training and/or resources to staff and stakeholders as needed; and
 - Update the Youth Diversion Plan to reflect changes or enhancements.