

# VAN ZANDT COUNTY

## YOUTH DIVERSION PROGRAM PLAN

The Van Zandt County Youth Diversion Program is designed to provide an alternative to traditional court proceedings for eligible youth offenders. 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.

### OBJECTIVES

- Reduce Recidivism: by addressing underlying causes of criminal behavior through early intervention.
- Promote Accountability: Encourage youth to take responsibility for their actions through community service and restitution.
- Support Families: Identify and support at-risk youth, particularly those with mental health challenges, substance use issues, or developmental disabilities; and engage families in the diversion process.
- Improve Community Relations: Foster better collaboration among government entities, schools, and nonprofit organizations to create effective diversion strategies.

### APPLICABILITY

The Youth Diversion Program applies to:

- Youth who are at least 10 years of age but not more than 17 years of age who have committed non-traffic Class C misdemeanor offenses under the jurisdiction of one of the Van Zandt County Justice or Municipal Courts.
- Youth who have not previously participated in a diversion program or who have no prior felony adjudications.
- *Nothing in this procedure precludes that 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.*

### REFERRALS

Referrals to the Youth Diversion Program may be made by:

- Law Enforcement officers at the time of the offense.
- A Van Zandt County Justice of the Peace or Municipal Judge at the time of arraignment.
- Parent/Guardian of the youth.
- School officials or community organizations.

## **INTAKE/ELIGIBILITY**

- Initial Screening: Upon referral and without objection from the Prosecutor, the Youth Diversion Coordinator will conduct an initial screening to determine eligibility based on offense type, age, and prior history.
- Parental Consent: Consent from a parent or guardian is required for youth to participate in the diversion program.
- Assessment: A comprehensive assessment will evaluate the youth's needs, strengths, and any underlying issues contributing to their behavior.

## **EVALUATION**

An evaluation process will be implemented to assess:

- The individual needs of the youth.
- Any educational, mental health, or substance use issues.
- The youth's support system, including family and community resources.

## **IMPLEMENTATION**

- Hearing: Eligible youth and their families will meet with the Youth Diversion Coordinator to understand the program's goals, expectations, and requirements.
- Development of a Personalized Plan: Each youth will have a tailored plan that may include:
  1. Community Service Hours
  2. Educational Classes
  3. Counseling or mentoring sessions

## **DIVERSION AGREEMENT**

There shall be a written and binding Diversion Agreement that contains the components required in Article 45.309 and 45.310 of the Texas Code of Criminal Procedure. The objectives shall consider the youth's circumstances, be relevant to the alleged conduct, be realistic to accomplish, and be in the best interest of the youth and the community.

The written agreement shall contain the components required by law, including:

- Identification of the alleged conduct and diversion terms in language understandable by the youth and parent/guardian.
- Positive and negative consequences of successful completion of, or failure to comply with, the terms of the agreement.
- An explanation that a guilty plea is not required and that participation is not an admission of guilt.
- The agreed length of the diversion plan.
- Signatures of the child and parent/guardian indicating each's consent to diversion with the understanding that diversion is optional.

## REFERRAL TO COURT AND COURT PROCEEDINGS

- **Monitoring Compliance:** The Youth Diversion Program Coordinator will monitor progress and compliance with the diversion agreement.
- **Successful Completion of Program & Dismissal:** Upon successful completion of the diversion plan, the charge(s) will be referred back to the court. If all conditions are met, the court will formally dismiss the case, allowing the youth to avoid a permanent criminal record.
- **Expungement:** Upon successful completion and dismissal of the charge(s), the record of the proceedings will automatically be expunged upon the 18<sup>th</sup> birthday of the youth.
- **Unsuccessful completion:** If the youth does not successfully complete the terms of the diversion agreement or if a parent/guardian declines or if the Prosecutor objects or if the youth or parent/guardian terminates prior to completing the terms of the agreement then the case shall be set for a non-adversarial hearing before the Judge in the court of jurisdiction. The judge will confer with all interested parties to determine what is in the best interest of the youth and what protects the long-term safety of the community. If the diversion is determined unsuccessful, the case shall then be set on a Juvenile Docket.

## CONCLUSION

The Youth Diversion Program is designed to serve not only youth offenders but also the broader network of families, courts, schools, and community organizations that intersect with their lives. By addressing the needs of these interconnected groups, the program seeks to create a ripple effect of positive change, reducing recidivism, improving family stability, and strengthening community safety across Van Zandt County. A copy of this Youth Diversion Program Plan shall be maintained on file for public purposes.

**PASSED AND APPROVED this the 7<sup>th</sup> day of January, 2025.**

Scott Shinn

Hon. Scott Shinn  
Van Zandt County Justice of the Peace, Pct. 4

Lilia Durham

Hon. Lilia Durham  
City of Canton Municipal Judge

Tonda Curry

Tonda Curry  
Van Zandt County District Attorney

Brandon Barton

Brandon Barton  
Van Zandt County Commissioner

Odus L Phillips

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VAN ISD Police Chief

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