

Rollingwood Municipal Court  
403 Nixon Drive,  
Rollingwood, TX 78746  
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IN THE ROLLINGWOOD MUNICIPAL COURT  
TRAVIS COUNTY, TEXAS

**ORDER ADOPTING A YOUTH DIVERSION PROGRAM**

IT IS ORDERED that pursuant to Texas Code of Criminal Procedure, Chapter 45, Subchapter E, the Court adopts the Youth Diversion Plan hereafter referred as the "Rollingwood Youth Diversion 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 Court Judge, City Prosecutor, and Youth Diversion Case Manager after assessment and collaboration with all interested parties and service providers.

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

SIGNED AND ENTERED ON THIS 30<sup>TH</sup> DAY OF DECEMBER, 2024.

  
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Sarah Teten  
Municipal Court  
City of Rollingwood, Texas

## ROLLINGWOOD MUNICIPAL COURT YOUTH DIVERSION Program

All words and phrases contained herein shall be construed according to definitions in Article 45 of the Texas Code of Criminal Procedure, where provided

### **Objective.**

1. Reduce recidivism and the occurrence of at-risk behavior of juveniles through intervention without criminal adjudication.
2. Identify at-risk juveniles utilizing the Social Services Approach.
3. 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.
4. Collaborate with all community resources available to achieve these objectives.

### **Applicability.**

This program will apply to any behavior that could be formally charged as a criminal offense against a child within the jurisdiction of the Court. Nothing in these procedures 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*.

### **Referral for Diversion Plan**

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.

### **Intake and Eligibility**

Cases shall be reviewed by the Youth Diversion Case Manager or Court Clerk to determine eligibility for the diversion program. Participation in the program requires written consent of the child and the child's parent. A child is eligible for the diversion program once every 365 days, but only if the child has not had a prior diversion plan determined to have been "unsuccessful." A child is not eligible if the Prosecutor objects to the diversion program.

### **DIVERSION EVALUATION**

The Prosecutor and Youth Diversion Case Manager shall collaborate to determine eligibility and devise a strategy to correct the specific behavior and achieve the objectives of the program, utilizing available resources. Resources may include, but are not limited to, educational measures, drug education program, and alcohol or tobacco awareness program, a rehabilitation program, improvement strategies and any other services that are determined to be necessary to improve empathy, the parent-child relationship, or life skills. See Code of Crim. Pro. Art. 45.035 for additional information.

### **DIVERSION BY JUDGE**

The Judge shall divert a case if a charge involving a child who is eligible for diversion is filed with the court. The Judge shall divert the case without a plea if the child does not contest the charge or at the conclusion of trial on a finding of guilt without entering a judgment of conviction. The diversion plan

shall be in writing and include any of the diversion strategies provided for in this Order. The plan will be for a reasonable period not to exceed 180 days. Upon successful completion, the case shall be closed and reported as successful to the Court. If the child is unsuccessful in completion of the diversion plan, the child will be referred to the court for a hearing consistent with article 45.311 of the Code of Criminal Procedures.

#### **DIVERSION AGREEMENT**

There shall be a written, binding Diversion Agreement that contains the components required in article 45.308 of the Texas Code of Criminal Procedure. The objectives shall a.) consider the child's circumstances, b.) be reasonable and rationally relevant to the alleged conduct, c.) be measurable and realistic to accomplish, and d.) be in the best interest of the child and the long-term safety of 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 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 administrative fee, if determined to be appropriate for the case.
- G. Signatures of the child and parent indicating their consent to the diversion plan, with the understanding that diversion is optional.
- H. Notification that the child and or the child's parent may terminate the diversion at any time, acknowledgement that upon termination, the case will be referred to court.

#### **REFERRAL TO COURT, PROSECUTOR OBJECTION, DECLINE INTERMEDIATE DIVERSION, OR UNSUCCESSFUL COMPLETION**

If the Prosecutor objects, the child, or parent decline(s), or the child does not successfully complete the Intermediate Diversion Program, the case shall be set for a non-adversarial hearing before the assigned 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

- A. Declare the diversion unsuccessful; and or
- B. Amend or set aside terms in the Diversion 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 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 completion.
- G. Refer the case to the Prosecutor for filing
- H. Transfer the case to Juvenile Court for an alleged Child in Need Supervision under Section 51.08 of the Texas Family Code.

**COURT PROCEEDINGS**

If the diversion is determined unsuccessful, or the child and/or parent declines the diversion plan, upon filing of a complaint by the Prosecutor the case shall be set on a regular Juvenile docket and will proceed to disposition in accordance with the Texas Code of Criminal Procedures.