

## **YOUTH DIVERSION PLAN**

Clear Lake Shores Municipal Court adopts this Youth Diversion Plan in compliance with the Texas Code of Criminal Procedure, to become effective January 1, 2025.

This plan will remain in effect until amended or repealed by Clear Lake Shores Municipal Court. This plan will be maintained and available for public inspection as required by law.

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 and the Youth Diversion Coordinator. Conditions of the plan may include: community service, educational programs, counseling, letters of accountability and apologies, and/or restitution. Participation by the child is voluntary and requires the child to accept responsibility for his/her conduct/actions.

A "Child" under this Youth Diversion Plan is 10 years of age and under 17 years of age.

The Youth Diversion Plan consists of certain eligibility requirements:

- The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense.
- A child has not entered into a diversion agreement in the past 365 days.
- A child is not eligible for diversion if the child previously had an unsuccessful diversion.
- A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.
- A child may not be diverted from criminal prosecution without the consent of the child and child's parent/guardian.

### **DIVERSION PROCESS:**

Referrals/Citations are received in the Municipal Court from the Police Department.

The City Prosecutor will review for any objections regarding admissibility into the Diversion Program.

If eligible, Parents/Guardians and the Child will receive notice to appear at intake session with the Youth Diversion Coordinator. The program will be explained to all parties.

Participants will be informed that participation is voluntary, and they maintain the right to plead not guilty and request a trial. They will be informed that participation does not require them to enter a plea and that at this point no criminal charges have been filed.

A Diversion Agreement will be prepared and reviewed by all parties. The agreement will consist of the length of the diversion and all requirements to be successfully completed prior to expiration date of diversion period.

The Youth Diversion Coordinator will contact the child and/or the parent/guardian throughout the diversion period.

There will be a statutorily allowed \$50.00 payment to enter the diversion program. These fees are the responsibility of the parent/guardian and will be due upon signing of the agreement.

No one will be denied permission to enter the program based on inability to pay. If this fee is a hardship to the parent/guardian or child, then the parent/guardian will be required to fill out an application to determine indigency. The decision on inability to pay will be made by the judge and communicated to all parties.

**COMPLETION:**

When all terms of the diversion agreement have been completed and time period is closed, the Youth Diversion Coordinator will make contact with parent and child to discuss final closing of the diversion plan.

**EXPUNCTION:**

Upon the 18<sup>th</sup> birthday of a child who has successfully completed a diversion program, the case will be expunged from all court records. There is no action required by the child or parent, and no court costs or fees are required for expunction.

**NON-COMPLIANCE:**

If the Youth Diversion Coordinator determines the child/parent are not compliant with the Diversion Agreement they will be referred to the court. The court will hold a non-adversarial hearing to determine whether the diversion should be deemed unsuccessful.

The determination of an unsuccessful diversion prohibits the child from entering into subsequent diversion agreements.

Reviewed and Approved this the 18th day of December 2024.

Richard Cope  
Richard Cope (Dec-19-2024 18:12 CST)  
Richard Cope, Jr.  
Municipal Court Judge  
City of Clear Lake Shores, Texas

# YOUTH DIVERSION PLAN (approved)

Final Audit Report

2024-12-20

Created:	2024-12-19
By:	Christy Stroup (cstroup@clearlakeshores-tx.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAR_03VwzdEfkJMpJRx_bUlpPd5ae9N2UG

## "YOUTH DIVERSION PLAN (approved)" History

-  Document created by Christy Stroup (cstroup@clearlakeshores-tx.gov)  
2024-12-19 - 4:36:13 PM GMT
-  Document emailed to Richard Cope (richardcope@swbell.net) for signature  
2024-12-19 - 4:36:16 PM GMT
-  Email viewed by Richard Cope (richardcope@swbell.net)  
2024-12-20 - 0:11:20 AM GMT
-  Document e-signed by Richard Cope (richardcope@swbell.net)  
Signature Date: 2024-12-20 - 0:12:49 AM GMT - Time Source: server
-  Agreement completed.  
2024-12-20 - 0:12:49 AM GMT