



# Midland County Justice Court – Juvenile Diversion Plan

**Effective Date:** January 1, 2025

**Authority:** Texas Code of Criminal Procedure, Article 45.306

## I. Purpose

This Youth Diversion Plan is adopted pursuant to *Article 45.306 of the Texas Code of Criminal Procedure*. Its purpose is to reduce juvenile recidivism, promote early intervention for at-risk youth, and provide alternatives to formal criminal prosecution for eligible juveniles accused of non-traffic Class C misdemeanors.

## II. Scope

This plan applies only to children who are at least **10 years of age and under the age of 17** alleged to have committed an offense punishable by fine only, excluding traffic offenses.

## III. Diversion Strategies

The court may use one or more of the following strategies authorized under *Article 45.305*:

- Referral to Teen Court or peer-led accountability programs
- Enrollment in educational or rehabilitative programs such as:
  - Alcohol or drug awareness
  - Anger management or conflict resolution
  - Life skills or decision-making courses
- Mental health screening and/or counseling referrals
- Participation in school-based behavioral programs
- Academic tutoring or GED preparation
- Community service (not to exceed 20 hours)
- Restitution (not to exceed \$100 for property offenses)
- Participation in a mentoring program

## IV. Diversion Agreement Requirements

Diversion agreements under this plan will:

- Identify the child and parent/legal guardian as parties
- Set measurable, reasonable goals considering the child's age and circumstances
- Include a defined term not to exceed **180 days**
- Explain that the agreement is not a finding of guilt and no plea is required
- Include written acknowledgment by both the child and parent/guardian

## V. Implementation Process

- Diversion may occur before or after a complaint is filed, at the discretion of the court or youth diversion coordinator
- Participation is voluntary and requires written consent of both the child and parent/guardian
- A case will be closed upon successful completion of the agreement
- Unsuccessful completion may result in referral to court for further proceedings under *Article 45.311*

## VI. Oversight and Coordination

This court designates the court clerk as the Youth Diversion Coordinator. The coordinator will:

- Determine eligibility
- Maintain and monitor diversion agreements
- Coordinate referrals to service providers

## VII. Service Providers

The court collaborates with the following entities to implement this plan:

- Midland ISD and associated counselors
- Permian Basin Regional Council on Alcohol and Drug Abuse
- Midland Teen Court
- West Texas Centers (mental health services)
- Qualified local nonprofit youth mentoring and education programs

## VIII. Records and Confidentiality

All juvenile records are confidential in accordance with *Article 45.0217*. Records of successful diversions will be reported to the court. **Records shall be expunged upon the child's 18th birthday without the need for a motion or fee.**

## IX. Administrative Fee

Pursuant to *Article 45.312 of the Texas Code of Criminal Procedure*, the Court may collect a **\$50.00 administrative fee** from the parent or legal guardian of the participating child to help defray the costs of the diversion program. This fee:

- Must be included as a term in the diversion agreement and accepted in writing by the parent or guardian,
- May be waived by the Court if the parent is found indigent or unable to pay, and
- Shall not be a condition for participation in the program or used as a barrier to diversion eligibility.

All collected fees will be deposited in a local account used exclusively to fund youth diversion operations.