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Texas Youth Diversion & Early Intervention Act – HB3186 Lubbock County Juvenile Diversion Plan

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Texas Youth Diversion & Early Intervention Act (HB3186)

Overview

The Texas Youth Diversion and Early Intervention Act (HB3186) requires every justice and municipal court to adopt and implement a written, strategized juvenile diversion plan that would allow for the diversion of criminal prosecution for a juvenile who has committed an alleged fine-only misdemeanor other than a traffic offense. Juvenile offenders between the ages of 10-16 who are charged with these offenses are eligible to enter a 180-day diversion program once every 365 days with written parental consent, the approval of the prosecutor or judge¹, and the successful completion of a past program, if applicable. Texas Law provides the option of youth diversion and statutory pre-trial diversion prior to court when civilly adjudicated and authorizes most Class C misdemeanors, such as alcohol or tobacco offenses, to be adjudicated civilly as a juvenile's conduct indicates a need for supervision. The Texas Youth Diversion and Early Intervention Act does not change the current law, but allows the possibility for diverse, non-inclusive strategies to be used prior to court. Effective January 1, 2025, House Bill 3186 requires that these courts adopt a youth diversion plan², allocate assistance for third party guided mediation, provide an established diversion agreement under the advisement of a juvenile diversion clerk, and lay out provisions such as diversion fees for program participation. HB 3186 also expands opportunities and financial resources for regions within Texas by including funding for juvenile diversion as an authorized use of certain child safety funds. The bill authorizes the use of money in the juvenile delinquency prevention fund to aid municipalities and counties with juvenile diversion. Article 102.0171 states that a defendant convicted of an offense under section 28.08, in a municipal, justice, county, or district court shall pay a fine of \$50 for juvenile delinquency prevention and graffiti eradication. County juvenile delinquency funds shall be administered by or under the direction of Commissioner's Court, while municipal juvenile delinquency funds shall be administered by or under the direction of the governing body of a municipality³.

Preamble

Diversion has been defined as an attempt to divert adolescent offenders from the juvenile justice system by providing an alternative plan of action⁴. Each year, large numbers of youth offenders enter the justice system for minor and nonviolent offenses. Diversion programs allow alternative options to traditional proceedings that hold low risk offenders accountable for their actions while helping them avoid negative consequences such as a prosecution record or costly fines. Opportunities that lie within juvenile diversion such as the early detection of behavioral disorders and early intervention can help reduce recidivism and provide necessary resources for at-risk youth. Family involvement and participation during mediation and throughout the course of the diversion program not only help with accountability on behalf of the juvenile but can also lead to a better understanding of the justice system.

¹ [Texas Civil Practice and Remedies Code - CIV PRAC & REM § 152.003 | FindLaw](#)

² [88\(R\) HB 3186 - Enrolled version - Bill Text \(texas.gov\)](#)

³ [CODE OF CRIMINAL PROCEDURE CHAPTER 102. COSTS, FEES, AND FINES PAID BY DEFENDANTS \(texas.gov\)](#)

⁴ [Diversion in the Juvenile Justice System \(ncsl.org\)](#)

Benefits of Diversion

The primary intended outcome of a juvenile diversion program is the prevention of recidivism and additional contact with law enforcement; however, these programs can offer many benefits including:

- Diversion cases will be dismissed upon completion of the program.
- An automatic expunction will occur upon the participant's 18th birthday without the requirement of a motion or request.⁵
- There will not be a conviction or prosecution on record.
- A participant will not enter a plea.
- A diversion program can empower and unlock hidden potential within the juvenile.
- Improved relationships can occur between youth and their family, law enforcement, and the community.
- Youth will be provided with opportunities to connect to various services within the community.
- Youth diversion can help produce an economic benefit by being more cost effective than standard processing.⁶

Types of Diversion

A juvenile diversion plan can be created for a county, a municipality, or an individual court within a county or municipality. Under HB3186, a local government may enter into an agreement with one or more local governments to create a regional youth diversion plan. In addition to Justice Court and Municipal Court referrals, the Lubbock Police Department, Lubbock County Sheriff's Office, and the Criminal District Attorney all have the authority to refer juvenile diversion cases to ODR.

Intermediate Diversion: Intermediate diversion occurs after a charge involving an eligible juvenile is filed or after a trial involving an eligible juvenile results in a verdict or finding of guilt. A court clerk must advise the juvenile and the parent about the option of intermediate diversion before a case is filed.⁷

- The juvenile would be eligible for diversion under the bill's provisions
- Diversion would be in the best interest of the child and promotes the safety of the community
- The juvenile and parent provide consent to the diversion program at the time of referral, and understand the program is optional

The terms of the agreement would have to be in writing and upon successful completion, the case would be closed and reported as successful to the court. If the juvenile was not compliant with the diversion program, the case would be referred to the court.

⁵ HB3186 Art. 45.313(c)

⁶ [Diversion in the Juvenile Justice System \(ncsl.org\)](https://www.ncsl.org/legislative-and-justice-branch/diversion-in-the-juvenile-justice-system)

⁷ Code of Criminal Procedure Art. 45.309(a)

Diversion by Justice or Judge: If a charge involving a juvenile who is eligible for diversion is filed with a court, a judge or justice shall divert the case in one of two ways.

1. If the juvenile does not contest the charge, a judge or justice must divert the case without the juvenile having to enter a plea.
2. If the juvenile contests the charge, a judge or justice must divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction.

The terms of the diversion agreement would have to be in writing and upon successful completion, the case would be closed and reported as successful to the court. If the juvenile is not compliant with the diversion program, the case would be referred to the court for a hearing.

Additional Court Related Procedures: In a juvenile case that resulted in trial, a justice or municipal court would be required to provide the juvenile and their parents the opportunity to accept placement in diversion instead of entering an adjudication of guilt. If the juvenile and their parents accept, the court would be required to place the juvenile in a diversion program. If the juvenile and their parents decline diversion, the court would find the juvenile guilty and proceed to sentencing.⁸

Diversion Strategies

The framework behind a juvenile diversion plan is designed to highlight areas that facilitate growth within the participant. Primary factors to consider while developing a plan are ensuring that it is practical, safe, attainable, and in the best interest of the child. While a specific model and strategy may be beneficial to one participant, it may not be beneficial to another, and it is important to encourage families to work together to build a preliminary diversion plan prior to mediation. The objective of early intervention is to keep at-risk youth from going deeper into the criminal justice system. Experts believe that early identification and intervention can lower relapses, system involvement, and give youth access to needed services.⁹

Diversion tasks can include:

- Community service for a non-profit organization (not to exceed 20 total hours)
- Skill building and life skills training
- Self-improvement or leadership programs
- Work/job skills training
- Drug or alcohol testing
- Youth coping and sensitivity training
- Restitution for property offenses equal to or less than \$100
- Apology letter writing
- Alcohol or tobacco education programs
- Drug court observation
- Professional counseling

⁸ Hb3186.pdf (Texas.gov)

⁹ <https://www.2024/01/03/house-bill-3186-creates-diversion-opportunities-at-risk-youth/>

- Caregiving for a non-family member
- Professional development
- Peer mentoring
- Criminal/victim awareness
- Required school attendance
- Educational assistance and counseling
- Lunch detention or lunch tutorials
- GED courses and completing the GED
- Saturday school
- Teen leadership program
- No texting at night (parent must submit cell phone records as proof)
- No video games on school nights
- Remove TV, cell phone, video games, internet access from child's room
- Ankle bracelet monitoring device

Youth Diversion Coordinator/Juvenile Diversion Clerk

According to House Bill 3186 and Article 45.307¹⁰, each court must designate a youth diversion coordinator to assist with a youth diversion plan that will be kept on file for public inspection in each justice and municipal court, but to also assist with the following:

- Managing referrals
- Maintaining records and active diversion agreements
- Monitoring active diversion cases for a maximum of 180 days
- Employing a diversion strategy
- Coordinating expunctions

These duties may be performed by:

- A court administrator or court clerk
- An individual that provides juvenile case manager services
- A community supervision or corrections department; including a juvenile probation department
- A county or municipal employee*
- A qualified non-profit organization as determined by the court

**The Office of Dispute Resolution for Lubbock County has the authority to be designated as a Youth Diversion Coordinator/Juvenile Diversion Clerk, due to being employed by Lubbock County.*

Juvenile Diversion Fees

House Bill 3186 allows courts to collect a \$50 administrative fee from a child's parent for the cost of diverting a case. If a parent is facing hardship and is unable to pay, the court may waive this fee.

¹⁰ [Texas Code of Criminal Procedure Article 45.307 – Youth Diversion Coordinator \(public.law\)](#)