



# Friona Municipal Court

## CITY OF FRIONA

617 Main Street, Friona, TX 79035

Office: 806-250-2198 Fax: 806-250-2178 court@frionatx.us

§ IN THE MUNICIPAL COURT

§ CITY OF FRIONA

§ PARMER COUNTY, TEXAS

### ORDER ADOPTING A YOUTH DIVERSION PLAN

**IT IS ORDERED** pursuant to Article 45.306 (b) of the Texas Code of Criminal Procedure that the Court adopts the Youth Diversion Plan hereafter referred to as the “Friona Youth Diversion Program” or “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 Juvenile Judge, City Prosecutor and Youth Diversion Coordinator after assessment and collaboration with all interested parties and service providers.

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

**SIGNED AND ENTERED** on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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**Municipal Judge  
City of Friona  
Parmer County, Texas**



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## Friona Municipal Court Youth Diversion Program

The Friona Municipal Court 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

1. **Reduce Recidivism:** Minimize repeat offenses among youth by providing constructive interventions.
2. **Promote Accountability:** Encourage youth to take responsibility for their actions through community service and restitution.
3. **Enhance Life Skills:** Provide educational resources and support to develop positive life skills.
4. **Improve Community Relations:** Foster better relationships between youth and law enforcement, community members, and the judicial system.
5. **Support Families:** Engage families in the diversion process to promote a supportive home environment.

### Applicability

The Youth Diversion Program applies to:

- Youth aged 10-16 who have committed misdemeanor offenses under the jurisdiction of the Friona Municipal Court.
- Offenses eligible for diversion include non-violent Class C Misdemeanors such as theft, vandalism, and minor drug offenses.
- Youth who have not previously participated in a diversion program or who have no prior felony convictions.

### Referral

Referrals to the Youth Diversion Program may be made by:

- Law enforcement officers at the time of the offense.
- The Friona Municipal Court Judge during arraignment.
- Parents or guardians of the youth.
- School officials or community organizations.



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### **Intake / Eligibility**

1. Initial Screening: Upon referral, the court will conduct an initial screening to determine eligibility based on offense type, age, and prior history.
2. Parental Consent: Consent from a parent or guardian is required for youth to participate in the program.
3. Assessment: A comprehensive assessment will evaluate the youth's needs, strengths, and any underlying issues contributing to their behavior.
4. Article 45.312 authorizes the clerk of the court to collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case. If the fee is not paid, the court must order the parent, if financially able, to pay the fee to the clerk. An order to pay is enforceable by contempt. If a parent is indigent or does not have sufficient resources or income to pay, they must complete a financial hardship waiver.

### **Evaluation**

An evaluation process will be implemented to assess:

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

### **Intermediate Diversion Intake and Implementation**

This process helps maintain the integrity of the diversion program and ensures that it serves as a meaningful opportunity for first-time or infrequent offenders.

1. Contract Signing: Youth and parents/guardians will sign a diversion agreement outlining the terms of participation, including goals, responsibilities, and consequences for non-compliance.
2. Sworn Affidavit: As part of the agreement, the youth and parent/guardian will sign a sworn affidavit confirming that the youth has not participated in any youth diversion program within the last 365 days. This affidavit will serve to ensure that the diversion program is being used appropriately and that the youth is eligible for this opportunity.
3. Commitment to Conditions: Youth must commit to completing the agreed-upon requirements within a specified timeframe.

### **Referral to Court and Court Proceedings**

There are two types of diversion: (1) intermediate diversion under Article 45.309, which occurs before a charge involving an eligible child is filed, and (2) diversion by judge under Article 45.310, which occurs



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after a charge involving an eligible child is filed or after a trial involving an eligible child result in a verdict or finding of guilt. Courts may choose to implement intermediate diversion, but all courts have requirements related to diversion by the judge. Regardless of which type of diversion the court implements, the process is generally the same. Below are procedures related to the youth diversion process codified in Subchapter E of Chapter 45 of the Code of Criminal Procedure, which applies to non-traffic offenses committed by children on or after January 1, 2025.

- After receiving a non-traffic charge involving a child, a determination will be made regarding the child's eligibility for diversion
- The court must determine whether the child contests the charge
  - If the child does not contest the charge, the case will be diverted without the child having to enter a plea
  - If the child contests the charge, the case will proceed with formal criminal prosecution
    - If the case proceeds to trial and results in a jury verdict, the child may still be eligible to accept placement in diversion instead of entering an adjudication of guilt
- The child and the child's parent will sign the diversion agreement
- If the child successfully complied with the terms of the diversion agreement, the case will be closed and reported as successful
- If the child does not comply with the terms of the diversion agreement, the case will be referred to court for a non-adversarial hearing to determine whether the diversion was unsuccessful

“Diversion” means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. Courts have been granted broad discretion in determining what diversion strategies to adopt. Examples of these strategies include:

- Participation in a teen court program
- Participation in a school-related program
- Participation in an educational program such as alcohol awareness or tobacco awareness courses
- Participation in a rehabilitation program
- Participation in a self-improvement program relating to self-esteem, leadership, self-responsibility, empathy, anger management and more
- Referring a child to a service provider for services such as work and job skills training
- Academic monitoring or tutoring, including preparation for a high school equivalency examination
- Engaging in community-based volunteering
- Participation in mental health screening and attending counseling
- Submitting to alcohol or drug testing
- Paying restitution of \$100 or less for offenses committed against another's property



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### Completion/Conclusion

The Friona Municipal Court Youth Diversion Program aims to provide youth with the opportunity for rehabilitation and growth, steering them away from the criminal justice system while fostering community involvement and personal accountability. Through a structured approach, we hope to support our youth in becoming positive, productive members of society.

1. Completion of Program: Upon successful completion of the diversion program, the youth will be referred back to the court for dismissal of charges.
2. Monitoring Compliance: The program coordinator will monitor progress and compliance with the diversion agreement.
3. Court Dismissal: If all conditions are met, the court will formally dismiss the case, allowing the youth to avoid a permanent criminal record.



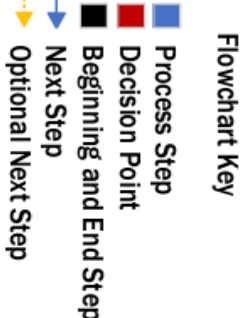
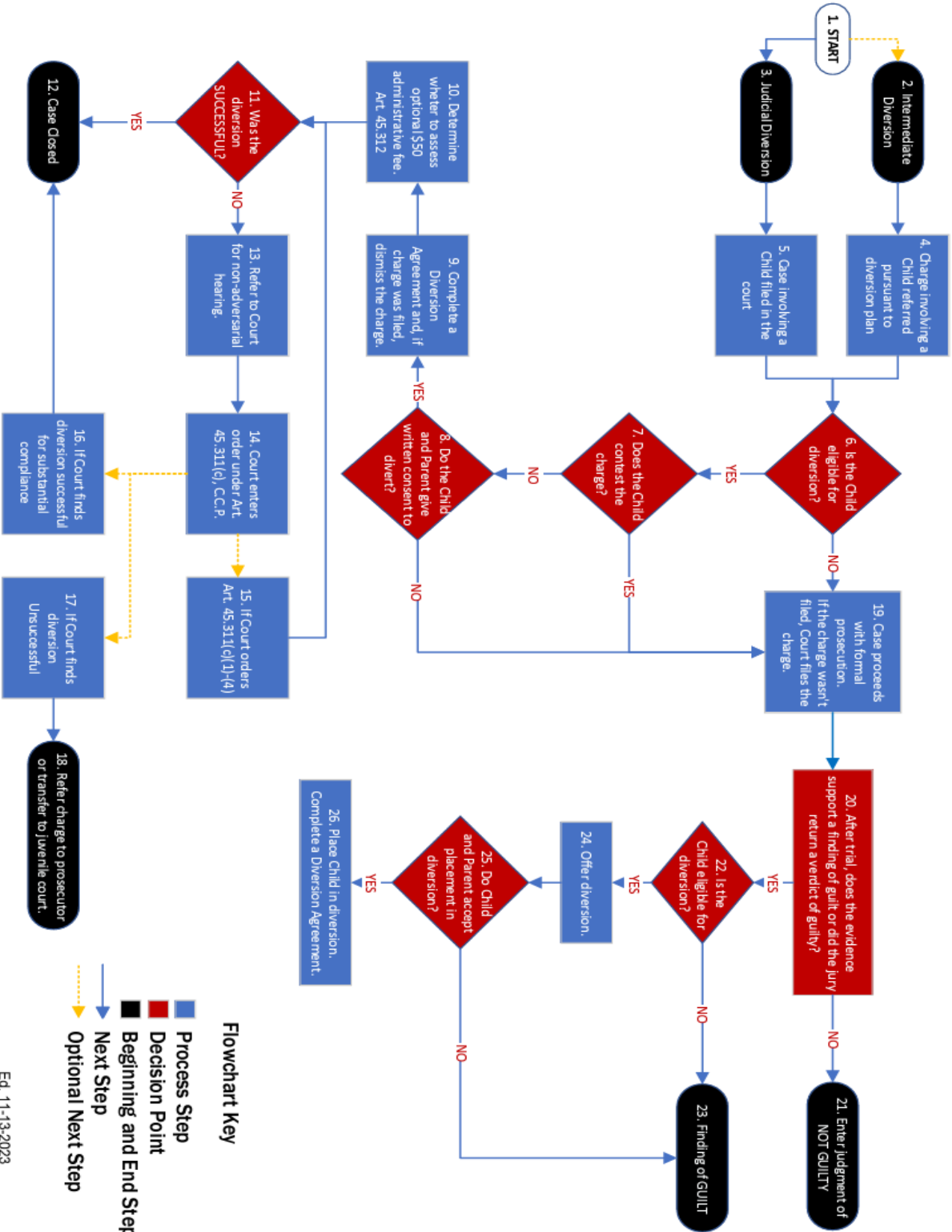
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### Youth Diversion: Process Overview Flowchart H.B. 3186 See Accompanying Commentary





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### Youth Diversion: Flowchart Commentary

- Box 1.** Generally, a child shall be diverted from formal criminal prosecution as provided by Subchapter E of Chapter 45 of the Code of Criminal Procedure. How diversion proceeds will depend on the type of diversion. There are two types of diversion: intermediate diversion and diversion by judge (or judicial diversion). All courts must do judicial diversion. Courts may also opt to do intermediate diversion. Arts. 45.309, 45.310, C.C.P. **Subchapter E only applies to non-traffic offenses committed on or after January 1, 2025.** Art. 45.302, C.C.P.; H.B. 3186 (88th Regular Legislative Session).
- Box 2.** Courts that opt to do intermediate diversion must include that type of diversion in their diversion plan. Intermediate diversion occurs prior to filing the charge. A youth diversion coordinator or juvenile case manager must advise the child and child's parent before the charge is filed that a case may be diverted for up to 180 days if the requirements in Article 45.309(a)(1)-(4) are met. Art. 45.309, C.C.P.
- Box 3.** Subchapter E provides for judicial diversion after a charge involving a child is filed and after a finding or verdict of guilt in the trial of a child, whether bench or jury trial. Judicial diversion may not exceed 180 days. Art. 45.310, C.C.P.
- Box 4.** The process for referral of charges under intermediate diversion should be addressed in the diversion plan. After referral, certain determinations must be made before proceeding to diversion.
- Box 5.** If a charge involving a child who is eligible for diversion is filed with the court, the judge must divert the case under Article 45.310. After such a charge is filed, certain determinations must be made before proceeding to diversion.
- Box 6.** Whether intermediate or judicial diversion, a child must be eligible for diversion. A child is eligible to enter into a diversion agreement under Subchapter E only once every 365 days. A child is not eligible for diversion if the child previously had an unsuccessful diversion under Subchapter E or if the prosecutor objects to the diversion. Art. 45.304, C.C.P.
- Box 7.** The child has a right to go to trial. Therefore, if the child contests the charge, set the child for trial. See Boxes 20-26 for diversion after trial.



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- Box 8.** A court may not divert a child from criminal prosecution without the written consent of the child and child's parent. Art. 45.304(e), C.C.P.
- Box 9.** Article 45.308 lists the requirements for a diversion agreement. A charge may not be filed against a child or, if filed, shall be dismissed by the court if the child does not contest the charge, is eligible for diversion, and accepts the terms of the diversion agreement.
- Box 10.** Article 45.312 authorizes a court to collect from a child's parent a \$50 administrative fee (Local Youth Diversion Administrative Fee) to defray the costs of the diversion of the child's case under Subchapter E. This fee is optional. It may not be collected unless it is specified as a term of the diversion agreement accepted by the parent. Diversion may not be contingent upon payment of this fee. Art. 45.312, C.C.P.
- Box 11.** By the end of the diversion period, determine whether the child has successfully complied with the terms of the diversion agreement.
- Box 12.** The case of a child who successfully complies with the terms of the diversion agreement shall be closed and reported to the court as successful. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 13.** A child who does not comply with the terms of the diversion agreement shall be referred to court for a non-adversarial hearing. Arts. 45.309(d), 45.310(e), C.C.P. This non-adversarial hearing is an opportunity for a judge to confer with the child and parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may assist the child or the court in determining what is in the best interests of the child and the long-term safety of the community. Art. 45.311, C.C.P.
- Box 14.** After the hearing, a court may enter one of the orders listed in Article 45.311(c). See Boxes 15, 16, and 17 for possible orders.
- Box 15.** Under Article 45.311(c)(1)-(4), a court may enter an order: (1) amending or setting aside terms in the diversion agreement; (2) extending the diversion period not to exceed one year from the initial start date of the diversion; (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion agreement; and (4) require the child's parent to perform (or refrain from doing) certain acts the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child. If the court orders any of these, the next step is to determine whether the child has successfully completed the terms of the agreement under the order. Go to Box 11.





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- Box 16.** The court may enter an order finding the diversion successful on the basis of substantial compliance. Art. 45.311(c)(5), C.C.P. After such an order, the case shall be closed. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 17.** The court may enter an order finding the diversion unsuccessful. Art. 45.311(c)(6), C.C.P.
- Box 18.** Upon a finding of an unsuccessful diversion, the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 of the Family Code or refer the charge to the prosecutor for consideration of re-filing. Art. 45.311(c)(6), C.C.P.
- Box 19.** If a child either is ineligible or contests the charge or the child or parent does not give written consent to diversion, the case proceeds with prosecution. Arts. 45.304, 45.310, C.C.P.
- Box 20.** Making the determination in this box will either result in a finding of Not Guilty or potentially another opportunity for diversion.
- Box 21.** If the answer to the question in Box 20 is No, enter a judgment of Not Guilty.
- Box 22.** If the answer to the question in Box 20 is Yes, determine if the child is eligible for diversion. Art. 45.041(a-2), C.C.P. See Box 6.
- Box 23.** If the child is ineligible or the child or parent does not accept placement in diversion, find the child guilty and proceed to sentencing. Art. 45.041(a-2), C.C.P. All options normally available to the judge at this point in the case are still available, including deferred disposition.
- Box 24.** If the child is eligible, provide the child and parent the opportunity for placement in diversion under Article 45.310 (Diversion by Judge). Art. 45.041(a-2), C.C.P.
- Box 25.** If the answer is Yes, go to Box 26. If the answer is No, go to Box 23.
- Box 26.** If the child and parent accept, place the child in diversion under Article 45.310. Art. 45.041(a-2), C.C.P. Do not enter an adjudication of guilt or a judgment of conviction. Art. 45.041(a-2); Art. 45.310(a)(2), C.C.P. Complete a diversion agreement. Art. 45.308, C.C.P. Then go to Box 10.



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### DIVERSION AGREEMENT (Art. 45.308, C.C.P.) (Page 1 of 2)

Diversion Agreement  
Municipal Court of Friona

This document constitutes a Diversion Agreement between the Municipal Court of Friona and \_\_\_\_\_ (Child) and \_\_\_\_\_ (Parent). This Diversion Agreement is entered into as an (Intermediate Diversion under Article 45.309 of the Code of Criminal Procedure) (Judicial Diversion under Article 45.310 of the Code of Criminal Procedure).

The objectives of this agreement are entered into with consideration of the circumstances of the child, the best interests of the child, and the long-term safety of the community.

This agreement shall be effective on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and shall be in effect for a period of \_\_\_\_\_ days (*not to exceed 180 days*). During the period of this agreement, Child and Parent shall inform the Municipal Court of the best address to receive notices, and of changes to that address. Child and Parent agree to contact \_\_\_\_\_, (Youth Diversion Coordinator) of the Municipal Court, at the end of the diversion period to discuss the status of completion of this agreement.

During the period of this agreement, Child shall complete: (*Specify Child's responsibilities and check applicable Diversion Strategies*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Teen Court
- School-related program: \_\_\_\_\_
- Educational program: \_\_\_\_\_
- Rehabilitation program: \_\_\_\_\_
- Self-improvement program: \_\_\_\_\_
- Referred to a Service Provider: \_\_\_\_\_
- Tutoring
- Community-based Services: \_\_\_\_\_
- Mental health screening
- Clinical assessment
- Counseling
- Mentoring
- Mediation
- Alcohol Testing
- Drug Testing
- Course of treatment prescribed by a physician
- Restitution (*Diversion by Judge Only; Requires separate Order*)
- Community Service (*Diversion by Judge Only; Requires separate Order*)
- Other: \_\_\_\_\_ (*Diversion by Judge Only; Requires separate Order*)

During the period of this agreement, Parent shall: (*Specify Parent's responsibilities*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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During the period of this agreement, Parent (shall) (shall not) pay to the clerk of the Municipal Court a \$50 administrative fee to defray the costs of this diversion.

During the period of this agreement, the Friona Municipal Court shall refrain from processing criminal cases based upon allegations of conduct which occurred on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (Case). The following charge or offense is being diverted: \_\_\_\_\_.

Upon successful completion of this Diversion Agreement, the Municipal Court shall not accept charges related to the Case. Child acknowledges that, upon successful completion of this diversion agreement, Child will be ineligible for diversion for a period of 365 days.

If Child and Parent do not successfully complete the terms of this diversion agreement, the child shall be referred to the court for a hearing, for the purpose of a conference between the judge of the Municipal Court, Child, and Parent. Child and Parent may, after notifying the Municipal Court, bring any other person who may be of assistance to Child or the Municipal Court in determining what is in the best interests of Child and the long-term safety of the community.

**Diversion is not an admission of guilt and a guilty plea is not required to participate in diversion.**

Child hereby knowingly and voluntarily consents to diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Child received notice of the child's rights, including the right to refuse diversion.

\_\_\_\_\_  
Child's Signature                      Date

Parent hereby knowingly and voluntarily consents to diversion from criminal prosecution, as provided in this agreement, acknowledges and accepts the terms of this agreement, and verifies that Parent received notice of the child's rights, including the right to refuse diversion.

\_\_\_\_\_  
Parent's Signature                      Date



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### AFFIDAVIT FOR YOUTH DIVERSION PROGRAM (Art. 45.308, C.C.P.)

#### CAUSE NUMBER:

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF FRIONA

§

PARMER COUNTY, TEXAS

#### AFFIDAVIT

**I swear that I have not participated in a Youth Diversion Program within the last 365 days to divert from criminal prosecution for the dismissal of a non-traffic Class C Misdemeanor.**

Child's Signature \_\_\_\_\_ Date \_\_\_\_\_

Child's Printed name \_\_\_\_\_

Violation \_\_\_\_\_

**I swear that my child \_\_\_\_\_ has not participated in a Youth Diversion Program within the last 365 days to divert from criminal prosecution for the dismissal of a non-traffic Class C Misdemeanor. I understand the gravity of making a false statement under oath and affirm that the information provided is true and accurate to the best of my knowledge and belief. I understand perjury is a Class A misdemeanor, the highest level of misdemeanor in Texas and its punishment can be up to one year in county jail and/or a fine of up to \$4,000.**

Parent's Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent's Printed name \_\_\_\_\_

Sworn and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires on \_\_\_\_\_



# Friona Municipal Court

## CITY OF FRIONA

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### MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FRIONA, TEXAS, ON BEHALF OF THE FRIONA MUNICIPAL COURT AND, \_\_\_\_\_, SERVICE PROVIDER

This Memorandum of Understanding (“MOU”) set forth the responsibilities of the City of Friona, Texas, on behalf of the Municipal Court (“the Court”) and \_\_\_\_\_, (“Provider”) regarding the services provided herein.

#### I. PURPOSE

The purpose of this MOU is for the Provider to provide the services listed herein to youth (“Client”) agreeing to receive the services through a Youth Diversionary Agreement entered into with the Court.

#### II. TERM

The MOU will commence upon signing of both parties, and have an initial term of one year beginning January 1, 2025 and ending December 31, 2025 (“Initial Term”). Upon expiration of the Initial Term, the MOU shall automatically renew for 2 additional year terms, unless terminated in the manner set forth below. The terms of this MOU shall remain in force during the Renewal Term(s).

#### III. TERMINATION

Either party to this MOU may terminate it, along with the rights and duties imposed under this MOU during the Initial Term or Renewal Term by providing 30 days written notice of termination to the other party hereto.

#### IV. RECITALS

WHEREAS the Court is established under the auspices of applicable Texas municipal and statutory law, and desires to partner for the provision of services under its Youth Diversionary Plan, and

WHEREAS the Provider is a 501c3 nonprofit (or a for-profit) organization established to provide the services described in this MOU, the Provider desires to provide the services,

NOW THEREFORE, the Court and Provider have entered into this MOU, whereby the Provider will provide services to youth (“Client”) participating under a Youth Diversionary Agreement (“Agreement”) during the Initial or Renewal Term.



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### V. UNDERTAKING OF THE PARTIES

The Court and Provider agree that, during the term of this MOU, the Court shall be responsible for the following:

1. Understanding the voluntary nature of participation in the services by clients, and shall notify Provider of any circumstances that may affect the Client's ability to participate with Provider.
2. Provide brochures and business cards regarding the services to prospective Clients.
3. Establish a secure mechanism to correspond with Provider regarding the Client's participation.
4. To the extent allowed by law, provide sufficient information in the referral to best assist the Provider in engaging the client in services, including but not limited to parental/legal guardian contact information, etc.
5. Inform Provider within days of the Client's anticipated contact with the Provider by secure correspondence, including e-mail.

The Court and Provider agree that, during the term of this MOU, the Provider shall be responsible for the following:

1. Provide services at no cost to Clients, or if necessary, shall bill the Client directly in an amount not to exceed statutory limits. The Court shall not be obligated for any costs related to the services.
2. Ensure compliance with the MOU by informing its personnel of the terms of this MOU and the procedures to be followed in provision of the services.
3. Provide scheduled written updates to the Client, the Client's parents, and the Court's Youth Diversionary Coordinator ("YDA") on the participation and progress being made by each client receiving services the Agreement.
4. Obtain from the prospective Client and his or her parents/legal guardian, a Release of Information Form permitting Provider to speak with the prospective Client, the Court, and other stakeholders, as needed.
5. Adhere with all confidentiality and HIPAA laws in providing the services.
6. Ensure that services are available per the Provider schedule agreed-upon.
7. Provide assurance(s) to the Court that all due diligence is performed to ensure the safety of the Client e.g. evidence of performance of staff criminal background checks, safety of in-person facilities or security of virtual sessions.



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8. Immediately inform the YDA of any changes affecting its performance of this MOU, including but not limited to the level of services that it provides.

The Court and Provider further agree that:

- The Court, under Texas Constitution Article XI, Section 7 shall provide no indemnification of Provider.
- This MOU shall be governed under Texas law. Venue for any litigation of any dispute, claim or controversy arising out of or as a result of this MOU lie exclusively in County, Texas.
- The Court and Provider agree to first engage in alternative dispute resolution prior to resorting to any further legal action.
- Each person who signs this MOU below on behalf of a party hereto declares that he or she has the capacity and authority to bind the party on whose behalf he or she signs.
- If any term of this MOU is deemed to be unlawful or otherwise unenforceable, the offending term shall be severed from the MOU and the remaining terms shall remain in effect.

### AGREED:

<b>PROVIDER:</b>  _____  _____  <b>By:</b> _____ <b>Title:</b> _____ <b>Date:</b> _____	<b>CITY OF FRIONA</b> <b>ON BEHALF OF THE MUNICIPAL</b> <b>COURT, FRIONA, TEXAS IN PARMER</b> <b>COUNTY</b>  <b>By:</b> _____ <b>Title:</b> _____ <b>Date:</b> _____
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# Friona Municipal Court

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### DISMISSAL OF CHARGE PURSUANT TO DIVERSION AGREEMENT (Art. 45.308(e), C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF FRIONA

§

PARMER COUNTY, TEXAS

### ORDER OF DISMISSAL

**WHEREAS**, the charge against the above named defendant (Child) alleges that Child committed the following offense: \_\_\_\_\_, **the Court Hereby Finds** that Child does not contest the charge, is eligible for diversion under Article 45.304, and accepts the terms of the Diversion Agreement, signed on the \_\_\_ day of \_\_\_\_\_, 20\_\_ by Child and \_\_\_\_\_ (Parent).

### THE COURT ORDERS:

The charge in the above referenced cause number is **HEREBY DISMISSED**.

On this the \_\_\_\_\_ day of \_\_\_\_\_ 2024

\_\_\_\_\_  
Judge, Municipal Court  
City of Friona  
Parmer County, Texas





# Friona Municipal Court

## CITY OF FRIONA

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### REFERRAL TO COURT FOR HEARING – NONCOMPLIANCE WITH DIVERSION AGREEMENT (Arts. 45.310 and 45.311, C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

§  
§  
§

IN THE MUNICIPAL COURT  
CITY OF FRIONA  
PARMER COUNTY, TEXAS

### NOTICE TO APPEAR FOR REFERRAL HEARING

Child's Name: \_\_\_\_\_ Charge being Diverted: \_\_\_\_\_

Address: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

Address (if different from Child's address): \_\_\_\_\_

The Court's records show that you have failed to comply with the diversion agreement entered into by you and your parent on \_\_\_\_\_, 20\_\_ according to its terms. **You and your parent are hereby ordered to appear before the \_\_\_\_\_ Municipal Court at \_\_\_\_\_ o'clock \_\_.m., on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, for a hearing to determine whether diversion should be declared unsuccessful. Specifically, the records show you failed to:** \_\_\_\_\_

The Court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community. If applicable, please contact the Court and provide the name and address of such person.

**If the Court finds the diversion unsuccessful, the Court will either transfer the Child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 of the Family Code or refer the charge to the prosecutor for consideration of re-filing.**

\_\_\_\_\_  
Judge, Municipal Court  
City of Friona  
Parmer County, Texas



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### ORDER ON REFERRAL HEARING – NONCOMPLIANCE WITH DIVERSION AGREEMENT (Art. 45.311, C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

§  
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IN THE MUNICIPAL COURT  
CITY OF FRIONA  
PARMER COUNTY, TEXAS

#### ORDER

The Court finds that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, \_\_\_\_\_ (Child) and \_\_\_\_\_ (Parent) signed a Diversion Agreement for the following charge: \_\_\_\_\_.

The Court further finds that Child and Parent were sent notice that they were ordered to appear for a referral hearing on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, to determine whether diversion should be declared unsuccessful and that Child and Parent (did) (did not) appear as set forth in the notice.

The Court hereby **ORDERS**:

- The following terms of the Diversion Agreement are set aside: \_\_\_\_\_  
\_\_\_\_\_
- The following terms of the Diversion Agreement are amended as follows: \_\_\_\_\_  
\_\_\_\_\_
- The diversion period is extended for the following period (*not to exceed 1 year from the start date of diversion*):  
\_\_\_\_\_
- A continuance for the referral hearing (*not to exceed 60 days*) to allow an opportunity for compliance with the terms of the diversion agreement. Said hearing is set for the \_\_\_ day of \_\_\_\_\_, 20\_\_\_.
- Having found that it will increase the likelihood that Child will successfully complete the diversion, Parent shall (perform) (refrain from performing) the following act:  
\_\_\_\_\_.
- Having found it reasonable and necessary for the welfare of Child, Parent shall comply with the following Order:  
\_\_\_\_\_
- The Court finds the diversion SUCCESSFUL based on substantial compliance.
- The Court finds the diversion UNSUCCESSFUL and
  - By separate Order, transfers Child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 of the Family Code. (*See Form: Waiver of Jurisdiction and Transfer to Juvenile Court*)
  - Refers the charge to the Prosecutor for consideration of re-filing.

Rendered and entered this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Judge, Municipal Court  
City of Friona, Parmer County