

§
§
§

**IN THE MUNICIPAL COURT
CITY OF OVILLA
ELLIS COUNTY, TEXAS**

OMNIBUS ORDER ADOPTING A YOUTH DIVERSION PLAN

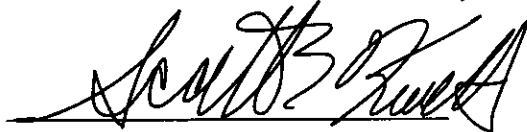
IT IS ORDERED pursuant to Article 45.306 (b) of the Texas Code of Criminal Procedure that the Court adopts the Youth Diversion Plan hereafter referred to as the "Ovilla Youth Diversion Program" or "program"

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.

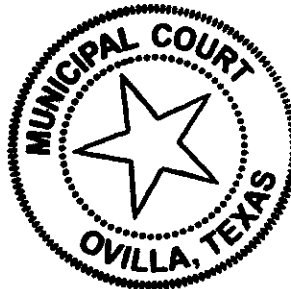
IT IS ORDERED that the Strategies and Services may be tailored to an individual case as determined by the Judge, City Prosecutor and Court Clerk (CC) after assessment and collaboration with all interested parties and service providers.

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

SIGNED AND ENTERED on this 17 day of December, 2024



Scott Kurth
Municipal Judge
City of Ovilla, Texas



Ovilla 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.

1. Objective

The purpose of the program and its related procedures is to:

1. Reduce recidivism and the occurrence of at-risk behavior through intervention without criminal adjudication.
2. Identify at-risk juveniles utilizing a social service 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 parents(s), while promoting public safety and order.
4. Collaborate with all community resources available to achieve these objectives.

2. Applicability

This program will apply to any behavior that could be formally charged as a criminal offense against a child within the jurisdiction of this Court.

Nothing in this procedure 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.

3. Referral for Diversion Program

Non-School related behavior that could be formally charged as criminal offense within the jurisdiction of the Court may be submitted by referral, citation, or complaint as required by law.

4. Intake and Eligibility

Upon review and without objection by the City Prosecutor, and with the written consent of the child and child's parent, a child is eligible for the diversion program once every 365 days, but only if he or she has not had a prior diversion plan determined to have been "unsuccessful." If Child is eligible for diversion, CC will collect \$50.00 fee on a case by case basis.

5. Diversion Evaluation

The City Prosecutor and Court Clerk (CC) 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 and alcohol evaluation and education programs, tobacco education, self-improvement strategies or classes, leadership training, manners/social skills, anger management, and recommended services, and any other services that are determined to be necessary to improve empathy, the parent-child relationship, or life skills.

6. Intermediate Diversion Agreement

There shall be a written binding Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure. (See Appendix B for applicable law). The objective shall a.) consider the child's circumstances, b.) be rationally relevant to the alleged conduct, c.) be realistic to accomplish, and d.) be in the best interest of the child and 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 the 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. Signatures of the child and parent indicating each's consent to diversion, with the understanding that diversion is optional. Notification that the child and /or the child's parent may terminate the diversion at any time, and acknowledgement that upon termination, the case will be referred to court.

7. Referral to Court- Prosecutor Objection, Declined Intermediate Diversion or Unsuccessful Completion

If the Prosecutor objects, the child and /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 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 determined 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 of Supervision (CINS) under Section 51.08 of the Texas Family Code.

8. Court Proceedings

If the diversion is determined unsuccessful, or the child and/or parent declines the Intermediate Diversion, upon filing of a complaint by the Prosecutor the case shall be set on a regular Court Docket. If the case proceeds to trial, it shall be heard by the Presiding Judge, and will proceed to disposition in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3).

APPENDIX A

Diversion program components consists of:

- **Case Management case plan**-requires a meeting with CC and City Attorney, determine on a case-by-case basis.
- **INDEPH** (4-week tobacco course)- Mandatory for tobacco offenses.
- **N-O-T** ("Not on Tobacco" 10 Week course)- voluntary for students desiring to quit tobacco. Taught by a certified adult Instructor in ten, 50- minute session. It is most effective in a small group format (6-10 participants) that emphasizes teamwork. The easy-to-use method helps teens quit tobacco use by addressing total health, in order to develop and maintain positive behaviors. Participants will discuss the importance of physical activity, nutrition, enhancing their sense of self-control. Topics covered: A Self
- **Anger Management** – Anger management and conflict resolution classes will help participants understand what to do when anger is out of control. Topics covered: A Self-Scoring Assessment, Controlling Anger, Setting Boundaries, Assertive vs. Aggressive Behavior, Family Conflict Management, and General Conflict resolutions Skills.
- **Counseling Resources** – The Diversion Program coordinator will provide a list of counseling resources, should a child be ordered to complete counseling services. The provider list will include information for mental health care in areas such as addiction and recovery, child and adolescents, marriage and family, and anxiety and depression
- **Online Education classes** – Online courses provided by 3rd Millennium focus on interventions that change offender behavior related to alcohol, marijuana, vaping, prescription drug misuse, shoplifting, domestic violence, and anger-related violations. The classes are evidence-based online courses grounded in the most effective strategies for changing attitudes and behaviors.
- **Parents also receive:**
 - Education materials
 - A written copy of the Youth diversion action plan agreement.
 - Access to help line for children addicted to nicotine.