

**ORDER ADOPTING A YOUTH DIVERSION PLAN**  
**CITY OF ROSE CITY MUNICIPAL COURT**

The following Youth Diversion Plan is adopted in accordance with Subchapter E and Article 45.306 of the Code of Criminal Procedure.

**A. Description**

As provided by Chapter 45, subchapter "E" of Texas Code of Criminal Procedure, and contingent on eligibility, a child shall be diverted from formal criminal prosecution through an established Youth Diversion program.

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 or the Youth Diversion Coordinator. Terms may include a combination of conditions such as community service, an educational program, counseling, letters of apology, and/or restitution, etc. A child's participation is voluntary and requires the child to accept responsibility for his or her conduct and engage in a diversion agreement.

The Youth Diversion Coordinator will monitor the child's compliance through their participation in the program which may run up to 180 days. If the child satisfies all the requirements of their diversion agreement, there will be no further proceedings related to the case. If the child withdraws or does not successfully complete the diversion agreement, the Municipal Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may transfer the child to juvenile court or formally file the charge against the child for criminal prosecution, with the prosecutor's approval.

If it is determined that more time is necessary for a young person to successfully complete the diversion, a diversion contract can be extended and/or adjusted.

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution.

**B. Purpose**

The purpose of this Youth Diversion Plan is to provide structured alternatives to formal judicial proceedings for youth offenders. The Municipal Court of the City of Rose City prioritizes individualized justice, with a focus on fostering accountability and positive development. The Court seeks to balance the interests of the community with the unique circumstances of each child to advance the following objectives:

1. Reduce recidivism and the occurrence of problem behaviors through intervention without having to criminally adjudicate children.
2. Identify at-risk youth, including youth with mental health needs, substance use disorders, or intellectual and developmental disabilities and, where appropriate, make referral to early youth and intervention services under Subchapter D, Chapter 264 of the Family Code.

3. Authorize diversions of children charged with certain offenses punishable by imposition of the parent and the child for the child's conduct while also promoting community safety.
4. Increase collaboration between courts, governmental, educational, and non-profit organizations.

**C. Philosophy**

The Court is committed to individual justice in individual cases. Recognizing that every child's situation is unique, the Court will evaluate each case on its merits, considering the best interests of the child and the community.

**D. Eligibility**

**If child is eligible for diversion, Coordinator will collect \$50 fee on a case-by-case basis.**

1. The child is charged with a misdemeanor offense, punishable by fine only, other than traffic offense.
2. A child has not entered into a diversion agreement in the past 365 days.
3. A child is not eligible for diversion if the child previously had an unsuccessful diversion.
4. A child is not eligible for diversion if a diversion is objected to by the prosecutor.
5. A child may not be diverted from criminal prosecution without the consent/agreement of the child and the child's parent/legal guardian.
6. The child is at least 10 years of age and younger than 17 years of age.

**E. Youth Diversion Plan**

1. Bring together participants (e.g., child and parent(s)/legal guardian), Judge, Youth Diversion Coordinator, and prosecutor, etc.)
2. Conduct a meeting a review charge(s).
3. Ensure the child and parent(s)/legal guardian understand participation is not an admission of guilt and is voluntary and subject to agreement of all parties.
4. Discuss the best course of action for the diversion plan.
5. Set requirements and ensure the child and parent(s)/legal guardian comprehend the diversion agreement.
6. The child and parent(s)/legal guardian(s) accept and sign the individualized, written diversion agreement, and know date by which conditions must be met. (These terms and conditions will be set on a case-by-case basis).

**F. Strategies**

The court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which include but are not limited to:

1. Require child to participate in a court approved teen court program.
2. Perform Community based services at a non-profit organization or government agency that provides services to the general public that enhances the social welfare and general well-being of the community.
3. Attend a work and/or job skills training program.
4. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code.
5. Attend an alcohol or drug abuse program.

6. Partake in counseling, including private or in-school counseling.
7. Partake in mentoring.
8. Require the child to pay restitution for an offense against property.

**G. Case Management**

During the diversion period, the Judge, Youth Diversion Coordinator, or Prosecutor will follow-up periodically for the sole purpose of evaluating program process. Follow-up measures may include:

1. Follow-up calls to the child and parent(s)/legal guardian.
2. Contacting the community Service provider.
3. Communication with school officials.
4. Conduct additional meetings as needed.
5. Referrals to educational classes and community service providers.

**H. Conclusion of Case**

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution and is reported as successfully completed. Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court will:

1. Conduct a non-adversarial hearing.
2. Determine if an extension period should be granted to comply with the diversion agreement.
3. Review the terms of the diversion agreement and amend if needed.
4. Transfer the child to juvenile court.
5. Refer the charges to the Prosecutor for filing consideration.
6. Issue an order of contempt against the parent(s)/legal guardian.

**I. Public Inspection**

This order and subsequent orders shall be maintained on file for public inspection and put on the city's website at <https://rosecity.myruralwater.com>

**IT IS HEREBY ORDERED**

**SIGNED AND ENTERED** on this 17<sup>th</sup> day of December, 2024.



Jerry Gallier, Municipal Judge  
City of Rose City, Orange County Texas

**STATE'S PROSECUTOR  
STANDING MOTION NO. 1  
YOUTH DIVERSION**

Art. 45.304. (d) A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.

COMES NOW the State of Texas, by and through the City Prosecutor for the City of Rose City, and makes this Standing Motion No. 1, for the purpose of efficient processing and disposition of juvenile cases filed in the Municipal Court for the City of Rose City. In support of this motion, the State would show the Court the following:

**If a citation, involving a child, for whom a clear determination has been made that such child is eligible for a diversion, is filed with the court, the state withholds its objection and grants the court the authorization to place such child on a diversion.**

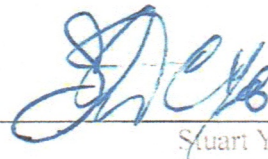
*Exceptions to the State's diversion authorization:*

The state withholds its objection and grants the court the authorization to place a child on a pre-trial diversion with the exceptions of:

1. Charges involving assault by contact
2. Charges involving assault by contact-family violence
3. Charges involving conduct of a sexual nature
4. Charges involving possession of drug paraphernalia
5. Any charge where, after having been granted a diversion, a finding of unsuccessful diversion has been made by the court.
6. Any charge where a child failed to appear in court to resolve a pending charge that occurred prior to their 17<sup>th</sup> birthday.

Such charges or allegations listed as exceptions above, are to be sent to the City Prosecutor for review and determination of eligibility for a diversion, or if an objection will be made.

SIGNED and ENTERED on this \_\_\_ day of January, 2025.



\_\_\_\_\_  
Stuart Yoes, Prosecutor  
City of Rose City  
Orange County Texas

