

City of Rockport, Aransas County, Texas

Youth Diversion Plan

“Diversion” -an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child’s actions. The term includes two types of diversion not to exceed 180 days.

(1) intermediate diversion under Article 45.309, which occurs before a charge (formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint; ART.45.301 (1) C.C.P.) involving an eligible child is filed and

(2) diversion by judge under Article 45.310, which occurs after a charge involving an eligible child is filed or after a trial involving an eligible child results in a verdict or finding of guilt. Courts may choose to implement intermediate diversion, but all courts have requirements related to diversion by judge. Regardless which type of diversion the court implements, the process is generally the same.

Mission: Prevention in reducing juvenile delinquency in the early identification of at-risk youth and for redirecting children accused of certain “gateway” Class C misdemeanors in efforts to avoid a conviction on their record in where H.B. 3186 makes the Youth Diversion Plan strategies available at the front end of a case to implement preventive measures in accordance to youth needs in partnership with outside agencies: school tutoring; in-patient/out-patient counseling; administer random Urine Analysis to identify or rule out drug use; address truant conduct; GED preparation; each juvenile will be issued a free GED Prep Book donated by Aransas County Public Library literacy fund ; monitor home school progress; assist in seeking employment; help apply for state document and services, conduct home visit; assist if in need of affordable housing due to homelessness; assist in receiving mental health services if needed; assist with transportation to obtain needed services; Computer access for juvenile use for applying for employment, and provide information on community resources and transportation for services.

Referral:

After receiving a charge (non-traffic) involving a child, whether filed (diversion by judge) or not (intermediate diversion), determine if the child is eligible for diversion.

- 1.) Determine eligibility
 - a.) Eligible to enter into a diversion agreement under subchapter only once every 365 days.
 - b.) Not eligible for diversion if the child has previously had an unsuccessful diversion under subchapter.
 - c.) Not eligible for diversion if a diversion is objected by the attorney representing the state.
 - d.) A court may not divert a child from criminal prosecution as provided by this subchapter without the written consent of the child and the child’s parent.
 - e.) Child does not contest the charge or allegation

Consent: Set a face to face intake meeting with child and child’s parent/guardian to discuss, acknowledge understanding and obtain child and parent/guardian written consent to divert voluntary participation for appropriate sanctions and referrals for in need of services to address delinquent behavior in gaining healthy coping skill to reduce recidivism. Obtain signed verification that child and parent was notified of the child’s right, including the right to refuse diversion; and the child knowingly and voluntarily consent to participate in the diversion.

Waiver of Juvenile Service

Waive right to participate in diversion agreement understanding that will appear in open court to enter a plea to the assigned judge for the charge(s) that have been filed and have juvenile and parent/guardian sign/date designated areas.

Intake process to assist in identification of resources that best fits the child's needs (In Spanish if applicable)

- Explain and review the conditions of the *Diversion Agreement* with juvenile and parent/guardian for understanding including the right to waive right to participate, and have juvenile and parent/guardian sign/date designated areas of agreed youth diversion agreement or waiver of juvenile service.
- Have parent complete the 1st page of Screening & Intervention Assessment Form
- JCM completes the 2nd page of Screening & Intervention Assessment Form and will have juvenile and parent/guardian sign/date designated areas.
- Explain and review the conditions of the *Supervision Expectations* (2-pages) with juvenile and parent/guardian, and have juvenile and parent/guardian sign/date designated areas.
- Explain and review the conditions of the *Parent Consent Form* with juvenile and parent/guardian and have juvenile and parent/guardian sign/date designated areas.
- Explain and review the conditions of the *Hold Harmless Agreement* with juvenile and parent/guardian, and have juvenile and parent/guardian sign/date designated areas.
- Explain and review the conditions of the *Medical Treatment Authorization* with parent/guardian, and have parent/guardian sign/date designated areas.
- GED-if applicable. Explain and review *GED Requirements* with juvenile, assist in setting up their own GED portable through www.ged.com and have juvenile sign/date designated area.
- Explain and review the conditions of the Rockport-Fulton ISD *Consent to Release Information* with parent/guardian and have parent/guardian sign/date designated areas.
- Explain and administer *MAYSI-2*: review consent form, have juvenile read/answer. Discuss results with parent and instruct urgent, immediate or concern for medical/psychological/counseling services. Review all paperwork for any missing information or required signatures.
- Clarify any cross-outs made by juvenile or parent/guardian.
- Take juvenile's photo for file.
- Issue parent Juvenile Case Manager business card and provide educational/community resources handouts.

Diversion Administrative fee of \$50

Determine whether to assess the optional \$50 local youth diversion administrative fee to pay the cost of the diversion of the child's case due within 10 days of agreement date. If fee is access, JCM will document and inform court clerk which will keep record of the fee collected under Art. 45.312 and once fee is submitted in money order form, the funds will be forwarded to municipal treasurer or person fulfilling that role as appropriate for further processing.

Signed Agreement

Provide copy of signed diversion agreement along with all signed intake forms to child, parent, court clerk, any specified by the youth diversion plan and copies to JCM client file.

Reporting: Juveniles on supervision will be required to report to JCM at the school campus they attend:

- RFHS– front office conference room every Tuesday between 7:30-8:05 am
- RFMS– front office conference room every Wednesday between 7:30- 8:00 am
- FLC & DAEP– During the week at JCM discretion

Tutoring:

Juvenile may be required to attend school tutoring to improve grades to passing average or/and make up school attendance hours as per school district handbook and/or in lieu of community service hours. Juvenile will

be issued a community service log that one is responsible to have teacher(s) sign to acknowledge dates in attendance to verify compliance.

Community Service:

Juvenile may be required to perform NOT more than 20 hours of community service to be discretionary assigned at intake meeting with juvenile and parent as part of AGREED youth diversion plan.

Urinalysis:

Juvenile will be subject for random UA testing with parental responsibility to pay UA fee (\$5 per collection of instant result UA sample to \$25 per collection of laboratory tested UA sample)

In-house License Chemical Dependency Counselor:

Juvenile may be required to attend weekly anger management/drug/alcohol/tobacco awareness individual/group counseling. LCDC will enter chrono entry for each juvenile's file to document weekly compliance: failure to comply with set appointment date(s); engaged or not engage during counseling session or if appt. was re-scheduled.

Referrals to outside agencies: (If applicable)

Individual/Family Counseling

JCM is to fill referral to appropriate agencies with current MOU between both JCM program/agency in accordance to information obtained during intake process to assist juvenile/family gain healthy coping skills. Agency visits with juvenile will be optional to parent to accept visit(s) at school during school day if applicable or at agency office with parental responsibility for transportation to/from office. Juvenile will be issued a visit log for agency to acknowledge compliance of visit only; not detailed treatment between juvenile and agencies and responsible to have log at hand at every reporting to check for compliance if agency itself does not provide bi-weekly visit report directly to assigned JCM of dates and status of visits: failure to comply with set appointment date(s); engaged; or not engage during counseling session or if appt. was re-scheduled.

Out-Patient Drug Counseling

JCM is to fill referral to appropriate agencies with current MOU between both JCM Program/agency in accordance to information obtained during intake process to assist juvenile/family gain healthy coping skills. Agency visit will be optional to parent to accept visit(s) at school during school day if applicable or at agency office with parental responsibility for transportation to/from office . Juvenile will be issued a visit log for agency to acknowledge compliance of visit only; not detailed treatment between juvenile and agencies and responsible to have log at hand at every reporting to check for compliance if agency itself does not provide bi-weekly visit report directly to assigned JCM of dates and status of visits: failure to comply with set appointment date(s); engaged; or not engage during counseling session or if appt. was re-scheduled.

Transportation

Juvenile Case Manager may provide transportation with issued county vehicle to/from medical, mental health, counseling appointments, GED exam(s) appointments, state services appointments (DL, SS, BC, SNAP, ect.) to/from school upon JCM schedule availability.

Residential Drug Treatment

JCM is to fill referral to appropriate agencies with current MOU between both JCM Program/agency in accordance to information obtained during intake process to assist juvenile/family gain healthy coping skills.

JCM with parent sign consent have authorization to release/receive confidential information for facility to provide general progress of juvenile and to assist with setting juvenile for after care upon completion of residential drug treatment.

Child Protective Services

JCM may need to make a report either by phone: 1-800-252-5400 or online: Texas Abuse Hotline- www.txabusehotline.org to report child abuse, exploitation and neglect.

CHRONOLOGICALS (CHRONO'S)

Incorporated into every case file and referral, not immediately disposed of, is the "Chronological Entry Sheet". The purpose of this format is to achieve a sequential accounting of relevant events that affect the case progress of every client under youth diversion plan by the Juvenile Case Management Program. Chronologicals are, by law, business records and must comply to the following parameters:

- The entries must be done in the normal course of business conducted by Juvenile Case Manager.
- The custodian of the record must make each entry (generally Juvenile Case Manager assigned to county of jurisdiction meets this requirement).
- The entry must be "**timely**" to the event it depicts (shall be recorded as immediate to the event as soon as possible, but no later than the next business day).
- A person who has a personal knowledge as to the event recorded must complete the entry.
- Records must have a beginning, maintenance and an ending. Beginnings should explain why a record is being opened. Maintenance is the upkeep portion of the records. Endings should include entries indicating that supervision has been terminated, transferred to another jurisdiction or that commitment has occurred. If subsequent events occur regarding the same child upon closure, reopen the file and make any entries as if beginning the chronological anew. Do not open a new file.

Chrono's should be entered only on official chrono sheets in the spaces provided, not on the back, below the last line or on another sheet of paper.

Typical events such as reporting by the client, phone calls regarding client, inquiries made about or on behalf of the client, relevant collateral and client discussions, progress in the treatment plan, referrals, correspondence, legal filings, court appearances and field visits should be included in the chronological. Every chronological entry shall include the following (who, what, where, when):

1. Date (date that chrono is entered) and Time (if a telephone call)
2. Type of entry (see codes below)
3. Name of person with who contact or communications occurred. If a collateral contact or communication, explain their involvement with the child.
4. Brief details of communication or purpose.
5. Initial at end of each entry.

Entries should be as concise as possible and only record significant events as described in the business of this department. Refrain from adding any personal comments and report only relevant information. Chrono entries should be made in the third person. JCM can be used as abbreviation for Juvenile Case Manager. All entries shall be typed or written in legible handwriting in blue or black ink only. If an error occurs while making an entry, neatly mark through with one line, initial the mark and proceed. Do not alter the chronological sheet in any other manner. **Do not use White Out.**

Compliance: Successful or Unsuccessful

Successful Completion: At the end of the agreed diversion period, JCM determines if juvenile was successful if complied with all conditions of the diversion agreement and case will be closed successful and successful completion letter will be forwarded to assigned court clerk for case to be closed successful.

Unsuccessful Completion: At the end of the agreed diversion period, JCM determines if juvenile was un successful if failed to complied with all conditions of the diversion agreement and case will be referred to court for a non-adversarial hearing for sitting Judge amend or set aside terms in the diversion agreement; extend the diversion for a period not to exceed one year term the initial start date of the diversion; issue a continuation for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with terms of the diversion; Subject to Art. 45.311 (d), requiring the parent to performing any act 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; finding the diversion successful on the basis of substantial compliance; or finding the diversion unsuccessful and' 1) transferring the child to Juvenile court for alleged conduct indicating a need for supervision (CINS) under Section 51.08 of the Family Code; or 2) referring the charge to the prosecutor for considering of re-filing.

Subchapter E

The court shall maintain statistics for each diversion strategy authorized by Subchapter E.; all records of a diversion pertaining to a child under Subchapter E shall be expunged without the requirement of a motion or request, on the child's 18th birthday.