



BANDERA MUNICIPAL COURT
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§ IN THE MUNICIPAL COURT
§ CITY OF BANDERA
§ BANDERA 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 “Bandera Municipal Court 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 Municipal 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 Bandera Youth Diversion Program shall be maintained on file for public inspection.

SIGNED AND ENTERED on this 5th day of December 2024.



[Handwritten signature]

Municipal Judge
City of Bandera
Bandera County, Texas

Bandera Municipal Court Youth Diversion Program

The Bandera 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 Bandera Municipal Court.
- Offenses eligible for diversion include non-violent 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 Bandera Municipal Court Judge during arraignment.
- Parents or guardians of the youth.
- School officials or community organizations.

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.

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

1. **Program Orientation:** Eligible youth and their families will attend an orientation session to understand the program's goals, expectations, and requirements.

2. **Development of a Personalized Plan:** Each youth will have a tailored plan that may include:

- Community service hours
- Educational workshops
- Counseling or mentoring sessions

Diversion Agreement

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 are 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

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.

Conclusion

The Bandera 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.

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

Diversion Agreement
Municipal Court of Bandera

This document constitutes a Diversion Agreement between the Municipal Court of Bandera and _____ (Child) and _____ (Parent/Guardian). 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 **the Court Clerk, (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*) _____

During the period of this agreement, Parent (shall) (shall not) pay to the clerk of the Municipal Court a \$10 administrative fee to defray the costs of this diversion.

During the period of this agreement, the Bandera Municipal Court shall refrain from processing criminal cases based upon allegations of conduct which occurred on or about the ____ day of _____, 20____
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/Guardian 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/Guardian Signature Date

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

CAUSE NUMBER:

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF BANDERA

BANDERA 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.

Parent/Guardian's Signature _____ Date _____

Parent/Guardian'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 _____

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

CAUSE NUMBER: _____

STATE OF TEXAS

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IN THE MUNICIPAL COURT

VS.

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CITY OF BANDERA

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BANDERA 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 _____ day of _____ 2025.

Judge, Municipal Court
City of Bandera
Bandera County, Texas

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

CAUSE NUMBER: _____

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**IN THE MUNICIPAL COURT
CITY OF BANDERA
BANDERA 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/guardian 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 Bandera
Bandera County, Texas

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 BANDERA
BANDERA 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 Bandera,
Bandera County, Texas