

§ IN THE MUNICIPAL COURT
§ CITY OF DENISON
§ GRAYSON 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 “Denison 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 Presiding Judge, City Prosecutor, Court Clerk assigned to Juvenile/Youth Cases, and/or Youth Diversion Coordinator after assessment and collaboration with all interested parties and service providers as needed.

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

SIGNED AND ENTERED on this 25th day of November, 2024.



Donald M. Banman
Presiding Municipal Judge
City of Denison, Texas

Denison 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.

I. Objective

The purpose of this 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 parent(s), while promoting public safety and order.
- 4) Collaborate with all community resources available to achieve these objectives.

II. 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.

III. Referral for Diversion Program

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

Any alleged conduct that a school within the City Limits of Denison that are School related alleged conduct may be referred to Youth Diversion by a School Administrator. The referral shall include all school records requested by the City Prosecutor, Court Clerk assigned to Juvenile Cases and/or Case Youth Diversion Coordinator, and any disciplinary history and measures that may be released as allowed by Texas Law.

If School related alleged conduct is referred to the Municipal Court, as part of the terms of the Deferral Agreement the Student/Youth/Juvenile and Parent/Guardian/Custodian shall sign an authorization for the release of School Records that may be required by the School.

IV. Intake & Eligibility

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."

V. Diversion Evaluation

If there is no objection from the State, the Court Clerk assigned to Juvenile Cases and/or Case Youth Diversion Coordinator shall collaborate with parent and Juvenile 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, school related disciplinary and educational measures, drug and alcohol evaluation and education programs, tobacco education, theft prevention courses, self-improvement strategies or classes, leadership training, manners/social skills, anger management, mental health evaluations and recommended services, and any other services that are determined to be necessary to improve empathy, the parent-child relationship, or life skills.

The Youth Diversion Coordinator will inquire with the parent and child about the ability to pay the \$50.00 Youth Diversion Fee. If there is an inability to pay or a request for a finding of inability to pay, the Youth Diversion Coordinator will have the Parent and Child complete a Financial Information Packet. The Youth Diversion Coordinator will confer with the Judge about waiving the \$50.00 Youth Diversion Fee and present the financial information along with a Decision and Finding form for the Judge to complete with a decision about waiving the Youth Diversion Fee.

VI. Diversion Strategies

The following strategies shall be offered in the terms of a Youth Diversion Agreement by the Court Clerk and/or Youth Diversion Coordinator for the specific types of alleged conduct listed below:

ALLEGED ALCOHOL RELATED CONDUCT

The Youth Diversion Agreement for a Minor who was under 21 years of age at the time of the alleged alcohol conduct including, Minor Consumption of Alcohol, Minor in Possession of Alcohol, Minor Purchase of Alcohol, Minor Attempt to Purchase Alcohol, Minor Misrepresentation of Age by a Minor, Public Intoxication Under the Age of 21 shall include the following Diversion Strategies:

- 1) Complete an alcohol awareness program approved by the Court and provide the completion certificate to the City of Denison Municipal Court Clerk within ninety (90) days of signing the Youth Diversion Agreement.
- 2) Listen to All of the following YouTube Videos and read the Article below:

Videos - Faces of Drunk Driving, www.facesofdrunkdriving.com

Specifically including the following five (5) videos about:

Sean Carter - 31 seconds long

Jacqui Saburido - includes 3 parts of Jacqui's Story. Part 1 is 12:27 long, Part 2 is 7:52 long and Part 3 is 7:49 long about Reggie Stephey, Driver sentenced to prison at 20 years old.

Roger Green about son **Lance** and daughter **Amanda** in Talihina, Oklahoma - 5:06

Read Article - 15 Shots of Vodka Killed Our Daughter, Shelby Allen

<https://www.goodhousekeeping.com/life/parenting/a13054/binge-drinking-killed-shelby-allen/>

- 3) Write a three-page handwritten or typed report about the information in the above videos and article and present report to the Judge/Youth Diversion Coordinator.

You will be required to know details about Sean Carter, Jacqui Saburido, Reggie Stephey, Roger Green, Lance Green, Amanda Green, and Shelby Allen. You will also need to explain how the videos impacted your decisions about alcohol. If you do not know details about videos, your Diversion will be considered as unsuccessful.

- 4) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement include:
 - a) Eight (8) hours of community service related to education about or prevention or misuse of alcohol or drugs as applicable for first alleged alcohol related offense and twenty (20) hours for second alleged alcohol related offense.
 - b) Attend a drug or alcohol rehabilitation plan for eight (8) or more hours at a program certified for drug or alcohol rehabilitation.
 - c) Drug and Alcohol Testing.

ALLEGED TOBACCO RELATED CONDUCT

The Youth Diversion Agreement for a Minor who was under 21 years of age at the time of the alleged tobacco conduct including, Possession of tobacco, Purchase of tobacco, Consumption of tobacco, or Acceptance of Cigarettes, E-cigarettes, and/or Tobacco Products shall include the following Diversion Strategies:

- 1) Complete an e-cigarette and tobacco awareness program approved by Court within ninety (60) days of the signing of the Youth Diversion Agreement and provide the completion certificate to the City of Denison Municipal Court Clerk within ninety (60) days of signing the Youth Diversion Agreement.
- 2) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement include:
 - (a) As an alternative to attending an e-cigarette and tobacco awareness perform 8 hours of tobacco related community service.
 - (b) The Parent may also agree to attend an e-cigarette and tobacco awareness program approved by the Texas Department of State Health Services program within 90 days after signing the Diversion Agreement and submit proof that the Parent and Youth completed the program within 90 days after signing the Youth Diversion Agreement.

- (c) If the tobacco awareness course is not completed in 90 days after signing the Diversion Agreement, your Diversion will be considered unsuccessful.

ALLEGED CONDUCT INVOLVING POSSESSION OF DRUG PARPHERNALIA

The Youth Diversion Plan for a person under 17 years of age at the time of the alleged Possession of Drug Paraphernalia offense shall include the following strategies:

- 1) Attend and complete a Marijuana/THC awareness and/or drug education/awareness program of 4 to 16 hours and submit proof of completion to the Youth Diversion Coordinator/Court Clerk.
- 2) Listen to All of the following YouTube Videos below:

Teens Struggling With Addition Teens 101 Real Families 19:34,
https://www.youtube.com/watch?v=LzIbrOB_VRg

How Drug and Alcohol Abuse Affect the Brain 3:22,
<https://www.youtube.com/watch?v=WXbttndKp7E>

Teen Health: Substance Use and Abuse 2:52,
<https://www.youtube.com/watch?v=6fmhLcYSn-Y>

Prescription Drug Abuse- Prescription for Trouble 8:31,
<https://www.youtube.com/watch?v=68-c546QpzM>

Drug Abuse Diverging Paths 13:32, https://www.youtube.com/watch?v=5c_RuJ2JHBo

- d) Write a three-page handwritten or typed report about the information in the above videos and present report to the Youth Diversion Coordinator/Judge. You will also need to explain how the videos impacted your decisions about drugs. If you do not know details about videos, your Diversion will be considered as unsuccessful.
- e) Optional strategies that may be considered for inclusion in the Youth Diversion Plan by Court Clerk and/or Youth Diversion Coordinator include:
 - (a) Perform eight (8) hours community service related to education about or prevention of misuse of drugs.
 - (b) Read the following Articles from National Institute on Drug Abuse found on the City of Denison Municipal Court Website:
 - i. Mind Matters Drugs and the Brain.
 - ii. Mind Matters The Body's Response to Methamphetamine.
 - iii. Mind Matters The Body's Response to Marijuana.
 - iv. Mind Matters The Body's Response to Opioids.

- (c) Attend an accredited and licensed drug rehabilitation program for sixteen (16) hours.
- (d) Submit to 5 panel drug testing at an accredited and licensed drug testing lab and have negative drug testing results submitted directly from lab to Court Clerk and sign any medical records releases required by the lab.
- (e) Four (4) hour Opioid Awareness Class.
- (f) Attend counseling for two (2) to eight (8) hours.

ALLEGED CONDUCT INVOLVING THEFT

The Youth Diversion Plan for an alleged conduct involving theft shall include the following strategies:

- 1) Attend and complete a Theft Intervention program of 4 to 12 hours and submit proof of completion to the Youth Diversion Coordinator/Court Clerk within 30 days of signing Diversion Agreement.
- 2) Pay restitution in the amount to the victim in this case or in the alternative to payment of restitution, perform 8 to 16 hours of Community Service within sixty (60) days of signing Youth Diversion Agreement and submit proof of completion of Community Service to Youth Diversion Coordination with sixty (60) days of signing Youth Diversion Agreement.
- 3) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement may include:
 - (a) Eight (8) to sixteen (16) hours of tutoring.
 - (b) Attend counseling for two (2) to eight (8) hours.
 - (c) Participate in a mentoring program for eight (8) to sixteen (16) hours.

The person required to attend the above ordered program(s) is ordered to submit proof of attendance to the Youth Diversion Coordination.

ALLEGED CONDUCT INVOLVING ASSAULT

The Youth Diversion Plan for an alleged conduct involving assault shall include the following strategies:

- 1) Attend and complete an Anger Management program of 4 to 12 hours and submit proof of completion to the Youth Diversion Coordinator/Court Clerk within 30 days of signing Diversion Agreement.
- 2) Perform eight (8) to sixteen (16) hours of Community Service withing sixty (60) days of signing Youth Diversion Agreement and submit proof of completion of Community Service to Youth Diversion Coordination with sixty (60) days of signing Youth Diversion Agreement.
- 3) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement

may include:

- (a) Eight (8) to sixteen (16) hours of tutoring.
- (b) Complete a two-hour conflict management class.
- (c) Participate in a mentoring program for eight (8) to sixteen (16) hours.
- (d) Attend counseling for two (2) to eight (8) hours.

The person required to attend the above ordered program(s) is ordered to submit proof of attendance to the Youth Diversion Coordination.

ALLEGED CONDUCT INVOLVING ASSAULT-FAMILY VIOLENCE

The Youth Diversion Plan for an alleged conduct involving assault family violence shall include the following strategies:

- 1) Attend and complete an Anger Management program of eight (8) to twelve (12) hours and submit proof of completion to the Youth Diversion Coordinator/Court Clerk within thirty (30) days of signing the Youth Diversion Agreement.
- 2) Perform eight (8) to sixteen (16) hours of Community Service withing sixty (60) days of signing the Youth Diversion Agreement and submit proof of completion of Community Service to the Youth Diversion Coordination within sixty (60) days of signing the Youth Diversion Agreement.
- 3) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement may include:
 - (a) Eight (8) to sixteen (16) hours of tutoring.
 - (b) Complete a two- hour conflict management class.
 - (c) Participate in a mentoring program for eight (8) to sixteen (16) hours.
 - (d) Attend counseling for two (2) to eight (8) hours.

The person required to attend the above ordered program(s) is ordered to submit proof of attendance to the Youth Diversion Coordination.

ALLEGED CONDUCT INVOLVING DISORDERLY CONDUCT

The Youth Diversion Plan for an alleged conduct involving Disorderly Conduct shall include the following strategies:

- 1) Attend and complete an Anger Management program of four (4) to twelve (12) hours and submit proof of completion to the Youth Diversion Coordinator/Court Clerk within thirty (30) days of signing the Youth Diversion Agreement.

- 2) Perform eight (8) to sixteen (16) hours of Community Service within sixty (60) days of signing the Youth Diversion Agreement and submit proof of completion of Community Service to Youth Diversion Coordination with sixty (60) days of signing the Youth Diversion Agreement.
- 3) Optional strategies that may be considered for inclusion in the Youth Diversion Agreement may include:
 - (a) Eight (8) to sixteen (16) hours of tutoring.
 - (b) Complete a two- hour conflict management class.
 - (c) Participate in a mentoring program for eight (8) to sixteen (16) hours.
 - (d) Attend counseling for two (2) to eight (8) hours.

The person required to attend the above ordered program(s) is ordered to submit proof of attendance to the Youth Diversion Coordination.

VII. Intermediate Diversion Intake & Implementation

The Court Clerk assigned to Youth Diversion Cases and/or Youth Diversion Coordinator shall review all the information available and applicable to the child and employ a case plan utilizing a strategy suitable for the rehabilitation of the child. Once a preliminary case plan is recommended, the Youth Diversion Coordinator shall meet with the parent and child to review the proposed case plan, evaluate the parent-child relationship, consider parent input, or require the parent to participate in the case plan if appropriate. The diversion plan may be for a reasonable period not to exceed 180 days. Upon successful completion, the case shall be closed and reported as successful to the Court.

VIII. Youth Diversion Agreement

There shall be a written binding Youth Diversion Agreement that contains the components required in Articles 45.309 and 45.310 of the Texas Code of Criminal Procedure. (*See Appendix A for applicable law*). The objectives 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:

- 1) An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
- 2) Positive and negative consequences of successful completion of, or failure to comply with, the terms of the diversion agreement.
- 3) An explanation that a guilty plea is not required, and that participation is not an admission of guilt.

- 4) An explanation of the review and monitoring process of compliance with the diversion agreement.
- 5) The agreed length of the diversion plan.
- 6) 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.

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

The City Prosecutor has a Standing Motion filed with the Court providing that all alleged conduct that is eligible for Youth Diversion may be submitted to Youth Diversion without the prosecutor first having an opportunity to object. The prosecutor may still object in specific cases where the Youth or Parent is uncooperative or where the Parent will not appear to meet with the Youth Diversion Coordinator.

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 assigned 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:

- 1) Declare the diversion unsuccessful, and/or
- 2) Amend or set aside terms in the Diversion Agreement.
- 3) Extend the diversion period not to exceed one year from the initial start date.
- 4) Continue the hearing for not more than sixty (60) days to allow additional time for compliance with the terms of the agreement.
- 5) Require the parent(s) to perform any act, or refrain from performing any act, which the Court determines 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.
- 6) Find substantial compliance and successful completion.
- 7) Refer the case to the prosecutor for filing.
- 8) Transfer the case to Juvenile Court for an alleged Child in Need of Supervision (CINS) under Section 51.08 of the Texas Family Code.

X. 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 Juvenile Docket. If the case proceeds to trial, it shall be assigned to the Presiding Judge or an assigned Associate Judge, other than the originally assigned Juvenile Judge, and will proceed to disposition in accordance with Texas Code of Criminal Procedure Article 45.041 (a-2) & (b-3).

APPENDIX A

Applicable law may be found at the following links:

[Texas Code of Criminal Procedure Article 45.301 – Definitions \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.302 – Applicability \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.303 – Transfer to Juvenile Court Not Affected \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.304 – Diversion Eligibility \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.305 – Diversion Strategies \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.306 – Youth Diversion Plan \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.307 – Youth Diversion Coordinator \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.308 – Diversion Agreement \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.309 – Intermediate Diversion \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.310 – Diversion by Justice or Judge \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.311 – Referral to Court \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.312 – Local Youth Diversion Administrative Fee \(public.law\)](#)

[Texas Code of Criminal Procedure Article 45.313 – Diversion Records \(public.law\)](#)