



Marshall Municipal Court

City of Marshall

110 S. Bolivar St. Ste. 104B, Marshall, TX 75670

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 Marshall Youth Diversion Program" or "Program."

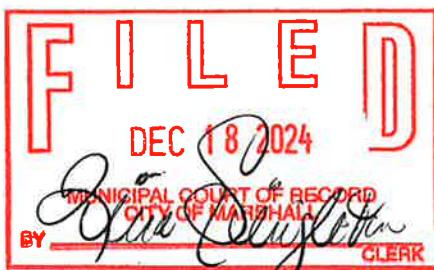
IT IS FURTHER ORDERED that the Program shall not limit the types of strategies or services that may be imposed as needed in the best interest of the child and to promote the long-term safety of the community. Strategies and Services may be tailored to an individual case as determined by the Juvenile Judge, City Prosecutor and Juvenile Case Manager (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 Marshall Youth Diversion Program shall be maintained on file for public inspection.

SIGNED AND ENTERED on this 18th day of December, 2024.



Kyle Dansby
Kyle Dansby
Municipal Judge
City of Marshall, Texas



Marshall Municipal Court

Youth Diversion Program

The Marshall Municipal Court Youth Diversion Program is designed to provide an alternative to traditional court proceedings for eligible youth offenders. This program is adopted in accordance with subchapter E and Article 45.306 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:

- Juveniles aged 10-16;
- Who have committed the following misdemeanor offenses under the jurisdiction of the Marshall Municipal Court: Assault, Theft, Disorderly Conduct, Vandalism/Criminal Mischief, Public Intoxication, DUI, Possession of Drug Paraphernalia;
- Who have NOT: been removed from a previous diversion program, or has successfully completed a diversion program within the last twelve months.

Referral

Referrals to the Youth Diversion Program may be made by:

- Law enforcement officers at the time of the offense;
- The Marshall Municipal Court Judge during court proceedings;
- Youth Diversion Coordinator during intake of citations/reports;
- City prosecutor while reviewing citations or during court proceedings;
- Parents or guardians of the youth;
- School officials;

Intake / Eligibility

1. Initial Screening: Upon referral, the Court or the Youth Diversion Coordinator 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 juvenile to participate in the program. If a parent or juvenile refuses to participate, then the juvenile shall be referred to court for further proceedings.
3. Objection: if the city prosecutor objects to admitting the juvenile into the diversion program, then the juvenile shall not be allowed to participate in the diversion program. The juvenile instead will be referred to Court for standard court proceedings.
4. 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 juvenile;
- Any educational, mental health, or substance abuse issues;
- The juvenile's support system, including family and community resources.

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: Juvenile 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 juvenile and parent/guardian will sign a sworn affidavit confirming that the juvenile has not participated in any youth diversion program within the last 365 days, and has not been removed from any youth diversion program.
3. Commitment to Conditions: Juvenile must commit to completing the agreed-upon requirements within a specified timeframe. The diversion agreement shall not last longer than 180 days.

Referral to Court and Court Proceedings

1. Admittance into Program: once the juvenile is admitted into the diversion program, the juvenile's charge is dismissed.
2. Monitoring Compliance: the program coordinator will monitor progress and compliance with the diversion agreement.
3. Court Dismissal: if all conditions are met, the case will remain dismissed, and a note of successful completion shall be included in the court file.
4. Failure to Comply: failure to comply with the program shall result in the juvenile's case to be placed on the Court's docket for a compliance hearing. The purpose of this hearing shall be to remind the juvenile of the importance of compliance with the program. If the juvenile is ultimately removed from the program, then the case shall be refiled and the juvenile shall be referred to Court for standard court proceedings.