



**CITY OF HOUSTON  
MUNICIPAL COURTS DEPARTMENT**

CITY OF HOUSTON  
MUNICIPAL COURTS  
1400 LUBBOCK  
HOUSTON, TX 77002  
[www.houstontx.gov/courts](http://www.houstontx.gov/courts)

**ORDER ADOPTING A YOUTH DIVERSION PLAN**

The City of Houston has established its Youth Diversion Program and hereby adopts this Plan which has been authorized by Chapter 45, subchapter E of the Texas Code of Criminal Procedure (C.C.P) and is contingent on the eligibility of the child and the child shall be diverted from formal criminal prosecution through this Youth Diversion Program.

Subchapter E provides for judicial diversion after a charge involving a child is filed and after a finding or verdict of guilt in the trial of a child, whether the trial is a bench trial or jury trial. Judicial diversion may not exceed 180 days under Art. 45.310, C.C.P. The child must be eligible for diversion. A child is eligible for diversion under subchapter E only once every 365 days. A child is not eligible for diversion if the child previously had an unsuccessful diversion under subchapter E or if the prosecutor objects to the diversion. (Art. 45.304, C. C. P. A child may not be diverted from criminal prosecution without the consent of the child and the child's parent or guardian, and the child is at least 10 years of age and younger than 17 years of age.

The Youth Diversion Plan allows a child the opportunity to complete a plan designed to assist the child by having realistic and reasonable terms set by the Municipal Court Judge which are listed on our Diversion Agreement. The requirements will be set by the Judge and fully explained to the child, parents or guardians and will be designed with the best interest of the child in mind to prevent formal criminal prosecution, encourage the child to accept responsibility for their actions and consequences, deter future criminal conduct, reduce reoccurrence of problematic behavior, reduce recidivism and serve to redirect at-risk youth.

The Houston Municipal Courts are committed to justice for our youth in Houston and our surrounding areas should the need arise. We understand that each child that enters our courts is unique with different needs, and they will be assessed on an individual basis. The best interest of the child is the central focus of this Youth Diversion Plan.

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 18<sup>th</sup> birthday.

This order and a copy of the Diversion Agreement, additional forms associated with the Youth Diversion Plan as well as any future forms or orders shall be posted on our website and available for public inspection.

**IT IS HEREBY ORDERD, SIGNED AND ENTERED**

**ON THIS THE 30<sup>TH</sup> DAY OF DECEMBER 2024.**

**J. ELAINE MARSHALL  
DIRECTOR AND PRESIDING JUDGE  
CITY OF HOUSTON MUNICIPAL COURTS  
1400 LUBBOCK  
HOUSTON, TX 77002**



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**DIVERSION AGREEMENT** (Art. 45.308, C.C.P.)

This document constitutes a Diversion Agreement between the Municipal Court of Houston (Municipal Court) and \_\_\_\_\_ (Child) and \_\_\_\_\_ (Parent). 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 Cristina Vasquez, Staff Analyst and Youth Diversion Coordinator of the Municipal Court, at the end of the diversion period to discuss the status of completion of this agreement. For any questions, contact Ms. Vasquez at (713) 247-5464.

During the period of this agreement, Child shall complete:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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
- Community Service
- Other Sanctions imposed by Teen Court Jury Panel

During the period of this agreement, Parent shall: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Ensure Child makes all appointments
- Ensure Child attends School
- Ensure Child attends all court ordered responsibilities given to the Child by the Court or Teen Court Jury Panel

During the period of this agreement, Parent (shall) (shall not) pay to the clerk of the Municipal Court a \$50 administrative fee to defray the costs of this diversion.

During the period of this agreement, 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 NAME}            Date  
Juvenile Defendant

Parent 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'S NAME}        Date  
Parent/Guardian

\_\_\_\_\_  
{JUDGE'S NAME}        Date  
Judge



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**ORDER OF DISMISSAL**

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

CAUSE NUMBER:           {CAUSE NUMBER}          

STATE OF TEXAS

VS.

          {CHILD'S NAME}          

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§

IN THE MUNICIPAL COURT

CITY OF HOUSTON

HARRIS COUNTY, TEXAS

WHEREAS, the charge against the above named defendant alleges that said 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.**



\_\_\_\_\_  
{JUDGE'S NAME}

Judge, Municipal Court  
City of Houston, Harris County, Texas

\_\_\_\_\_  
Date



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NOTICE TO APPEAR FOR REFERRAL HEARING

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

CAUSE NUMBER: {CAUSE NUMBER}

{TODAY'S DATE}

{CHILD'S NAME}
{CHILD'S ADDRESS}
{CHILD'S CITY, STATE ZIP}

{PARENT'S NAME}
{PARENT'S ADDRESS}
{PARENT'S CITY, STATE ZIP}

STATE OF TEXAS
VS.
{CHILD'S NAME}

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CHARGE BEING DIVERTED:
{VIOLATION
DESCRIPTION}

COURT DATE:
TIME:
COURT NO:

LOCATION:
1400 LUBBOCK
HOUSTON, TX 77002

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 are hereby ordered to appear before the Houston Municipal Court at the above date and time 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'S NAME}
Judge, Municipal Court
City of Houston, Harris County, Texas



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ORDER

ORDER ON REFERRAL HEARING – NONCOMPLIANCE WITH DIVERSION AGREEMENT (Art. 45.311, C.C.P.)

CAUSE NUMBER: {CAUSE NUMBER}

STATE OF TEXAS
VS.
{CHILD'S NAME}

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IN THE MUNICIPAL COURT
CITY OF HOUSTON
HARRIS COUNTY, TEXAS

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: \_\_\_\_\_
□ A continuance for the referral hearing 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 complete the following conditions: \_\_\_\_\_
□ 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.
□ Refers the charge to the Prosecutor for consideration of re-filing.

Rendered and entered this \_\_\_ day of \_\_\_, 20\_\_\_.



{JUDGE'S NAME}
Judge, Municipal Court
City of Houston, Harris County, Texas