



BENBROOK MUNICIPAL COURT

CITY OF BENBROOK

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Benbrook Municipal Court Youth Diversion Plan

In accordance with Chapter 45, Subchapter "E" of the Texas Code of Criminal Procedure, and subject to eligibility, a child may be diverted from formal criminal prosecution through an established Youth Diversion Plan. This program offers an opportunity for the child to complete an individualized diversion plan under reasonable terms, as set by the Youth Diversion Coordinator.

The Youth Diversion Plan provides an opportunity for youth to avoid formal criminal proceedings by completing a series of requirements determined by the Youth Diversion Coordinator. These requirements may include community service, educational programs, counseling, alcohol/drug testing, or other conditions deemed appropriate. Participation is voluntary, and the child must accept responsibility for their actions and agree, together with a parent(s)/legal guardian, to a diversion agreement.

The Youth Diversion Coordinator will monitor the child's progress throughout the program, which may last up to 90 days. If the child successfully fulfills the terms of the diversion agreement, their case will be closed with no further legal proceedings. However, if the child withdraws from or fails to complete the diversion agreement, the Benbrook Municipal Court will conduct a hearing to assess the diversion's effectiveness. Should the Court deem the diversion unsuccessful, the case may be referred to juvenile court or formally prosecuted, contingent on the prosecutor's approval.

Plan Objectives

1. Reduce the reoccurrence of problem behaviors among youth by providing constructive and early interventions without having to criminally adjudicate children in municipal courts.
2. Prevent formal criminal prosecution; wherein preventing the creation or extension of a child's criminal record.
3. Promote accountability by empowering the child to accept responsibility for their actions.
4. Encourage acceptance of their consequences.
5. Deter future criminal behavior.
6. Avoid burdensome financial penalties for youth and their families with limited financial resources.

7. Support families by engaging them in diversion strategies that foster a more supportive home environment.
8. Identify at-risk youth, including youth with mental health needs, substance use disorders, or intellectual and developmental disabilities, and make appropriate referrals to early intervention services under Subchapter D, Chapter 264 of the Family Code.

Diversion Eligibility

1. The child is charged with a misdemeanor offense, punishable by fine only, other than a traffic offense.
2. A child has not entered into a diversion agreement within the past 365 days.
3. A child is not eligible for diversion if a prior diversion was unsuccessful.
4. A child is not eligible for diversion if a diversion is objected to by the attorney representing the State.
5. A child may not be diverted from criminal prosecution without the consent of the child and a parent(s)/legal guardian.
6. The child is at least 10 years of age and under 17 years of age.

Participation and Case Management

1. Convene a meeting with the child, the parent(s)/legal guardian, and the Youth Diversion Coordinator.
2. Review charges against the child.
3. Ensure that both the child and the parent(s)/legal guardian understand participation is voluntary and does not constitute an admission of guilt.
4. Discuss the best course of action and determine the terms of the diversion plan.
5. Set clear requirements and ensure the child and the parent(s)/legal guardian comprehend the diversion agreement.
6. The child and the parent(s)/legal guardian accept and sign the individualized, written diversion agreement. The agreement will include the terms of compliance, duration of the agreement, and a date by which conditions must be met. (These terms and conditions will be set on a case-by-case basis.)
7. During the diversion period, the Youth Diversion Coordinator will monitor the child's progress to assess compliance and provide necessary support.
8. A \$50.00 administrative fee will be assessed, unless found indigent.

Plan Strategies

The Court may require a child to participate in a program, as referenced in Chapter 45, Subchapter E, Texas Code of Criminal Procedure, which include but are not limited to:

1. Enrollment in court-approved educational or self-improvement programs.
2. Enrollment in a counseling/mentoring program.
3. Submission to alcohol or drug screenings.
4. Enrollment in an alcohol or drug abuse treatment program.

5. Engagement in community service or volunteering opportunities.

Conclusion of Case

The Benbrook Municipal Court Youth Diversion Plan aims to provide youth with the opportunity for personal development and growth, while steering them away from the criminal justice system. By offering constructive and early interventions, the program seeks to promote community involvement and accountability that enable young individuals to become positive, productive members of society.

If the child successfully fulfills the terms of the diversion agreement, the case will be considered closed without further legal action, and the diversion will be reported as successfully completed. However, if the child withdraws from the agreement or fails to comply with the terms of the agreement, the Court will:

1. Conduct a non-adversarial hearing.
2. Evaluate whether an extension of the diversion period is warranted.
3. Review the terms of the diversion agreement and amend it, if needed.
4. Transfer the child to juvenile court.
5. Refer the charges to the Prosecutor for filing consideration.