

PRESIDING JUDGE
DAVID BONILLA

MUNICIPAL CLERK
INTERIM ANNABELLE CASAS



JUDGES
MICHELLE MORALES, COURT NO. 1
KRISTIN ROMERO, COURT NO. 2
DAVID A BONILLA, COURT NO. 3
SAMUEL FLORES, COURT NO. 4
MIKE HERRERA, COURT NO. 5
ASSOCIATE JUDGES
COURT NO. 5-A
ALFONSO DOMINGUEZ, COURT NO. 5-B

El Paso Municipal Court Youth Diversion Plan

I. Description:

As provided by Chapter 45, subchapter "E" of the Texas Code of Criminal Procedure, and contingent on eligibility, a child shall be diverted from formal criminal prosecution through an established Youth Diversion program. The Youth Diversion Plan allows a child the opportunity to complete a Youth Diversion plan with realistic and reasonable terms, set by the Municipal Court Judge or the Youth Diversion Coordinator. Terms may include a combination of appropriate conditions such as community service, an educational program, counseling, letters of apology, restitution, and any other appropriate condition. A child's participation is voluntary and requires the child to accept responsibility for his or her conduct and engage in a diversion agreement. If the child withdraws or does not successfully complete the diversion agreement, the Municipal Court will conduct a hearing to determine if the diversion was unsuccessful. If it is determined the diversion measures were unsuccessful, the court may transfer the child to a juvenile court or a formal criminal prosecution may proceed against the child, with the prosecutor's approval. If the case manager or coordinator determine that more time is necessary for the child to successfully complete the diversion, a diversion contract can be extended and/or adjusted.

II. Eligibility:

1. The child is charged with a misdemeanor offense, punishable by fine only. (Will not apply to any traffic offense.)
2. The child has not entered into a diversion agreement in the past 365 days.
3. The child is not eligible for diversion if the child previously had an unsuccessful diversion.
4. The child is not eligible for diversion if the attorney representing the state objects to said diversion.
5. The child may not be diverted from criminal prosecution without the consent of the child and the child's parent/guardian.
6. The child is at least 10 years of age and younger than 17 years of age.

III. Juvenile Diversion Fees:

House Bill 3186 allows courts to collect a \$50 administrative fee from a child's parent for the cost of diverting a case. If a parent can provide proof of hardship and inability to pay, the court may waive this fee.

IV. Youth Diversion Goals:

1. Prevent the child from being formally criminally prosecuted.
2. Empower the child to accept responsibility for his/her actions.

3. Encourage the child to accept the consequences of their actions.
4. Deter the child from engaging in future criminal conduct.
5. Prevent the child from having a criminal record or additions being made to said record.
6. Address the child's behavioral problems, if necessary, to prevent the reoccurrence of gateway misdemeanors.
7. Prevent the child from receiving financial punishments when the child and their parent/guardians have limited financial resources.

V. Youth Diversion Plan:

1. Bring together participants (e.g., child and parent(s)/guardian), Judge, Youth Diversion Coordinator or Juvenile Case Manager, prosecutor, etc.)
2. Conduct a meeting and review charge(s).
3. Ensure the child and parent(s)/guardian understand participation is not an admission of guilt and is voluntary.
4. Discuss the best course of action for the diversion plan.
5. Set requirements and ensure the child and parent(s)/guardian comprehend the diversion agreement.
6. The child and parent(s)/guardians accept and sign the individualized, written diversion agreement. The agreement will include the term(s) of compliance, the 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).

VI. Strategies:

The court may require a child to participate in a program, as referenced in Chapter 45, Code of Criminal Procedure, Subchapter E. Youth Diversion, Art. 45.305, which includes but is not limited to:

1. Require a child to participate in a court-approved teen court program.
2. Perform Community-based services at a non-profit organization or government agency that provides services to the general public that enhance the social welfare and general well-being of the community.
3. Attend a work and job skills training program.
4. Attend a preparatory class for the high school equivalency examination, administered under section 7.11, Texas Education Code
5. Attend an alcohol or drug abuse program.
6. Partake in counseling, including private or in-school counseling.
7. Partake in mentoring.
8. Pay mandatory restitution for an offense against property.

VII. Case Management:

The Juvenile Case Manager / Youth Diversion Coordinator will monitor the child's compliance throughout their participation in the program which may run up to 180 days. If the child satisfies all the requirements of their diversion agreement, there will be no further proceedings related to the case. During the diversion period, the Judge, Youth Diversion Coordinator/Juvenile Case Manager, or Prosecutor will follow up periodically for the sole purpose of evaluating program progress. Follow-up measures may include:

1. Following up with calls to the child and parent(s)/guardian.

2. Contacting the Community Service provider.
3. Communicating with school officials.
4. Conducting additional meetings as needed.
5. Referring the child to educational classes and community service providers.

VIII. Conclusion of Case:

If the child successfully complies with the terms set in the diversion agreement, the case is closed without further prosecution and is reported as successfully completed. Should the child voluntarily withdraw from the diversion agreement or fail to comply with the terms of the agreement, the court will:

1. Conduct a non-adversarial hearing; and
2. Determine if an extension period should be granted to comply with the diversion agreement; and
3. Review the terms of the diversion agreement and amend if needed; and, if necessary,
4. Issue an order of contempt against the parent(s)/guardian, and, if necessary;
5. Transfer the child to juvenile court OR Refer the charge(s) to the prosecutor for filing consideration.

Adopted by City Of El Paso Municipal Court on this 23 day of December 2024.



Michelle Morales, Municipal Court Judge Ct. No. 1