

DIVERSION AGREEMENT (Art. 45.308, C.C.P.) (Page 1 of 2)

Diversion Agreement
Municipal Court of _____

This document constitutes a Diversion Agreement between the Municipal Court of _____ (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 _____, (Juvenile Case Manager) (Youth Diversion Coordinator) of the Municipal Court, at the end of the diversion period to discuss the status of completion of this agreement.

During the period of this agreement, Child shall complete: (*Specify Child's responsibilities and check applicable Diversion Strategies*) _____

- 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 (*Diversion by Judge Only; Requires separate Order*)
- Community Service (*Diversion by Judge Only; Requires separate Order*)
- Other: _____ (*Diversion by Judge Only; Requires separate Order*)

During the period of this agreement, Parent shall: (*Specify Parent's responsibilities*) _____

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.

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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__ (Case). 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 Signature Date

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 Signature Date

Editor's Note: Diversion under Subchapter E of Chapter 45 of the Code of Criminal Procedure applies to non-traffic offenses committed on or after January 1, 2025. See H.B. 3186 (88th Legislature, 2023).