

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

CAUSE NUMBER: _____

§

IN THE MUNICIPAL COURT

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER

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 (*not to exceed one year from the original start date of the diversion*): _____

A continuance for the referral hearing (*not to exceed 60 days*) 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 (perform) (refrain from performing) the following act: _____.

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. (*See Form: Waiver of Jurisdiction and Transfer to Juvenile Court*)

Refers the charge to the Prosecutor for consideration of re-filing.

Rendered and entered this ___ day of _____, 20___.

(municipal court seal)

Judge, Municipal Court

City of _____

_____ County, Texas

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). An order under Article 45.311(c)(4) related to the child’s parent may not have the substantive effect of interfering with a parent’s fundamental right to determine how to raise the parent’s child, unless the court finds that the interference is necessary to prevent significant impairment of the child’s physical, mental, or emotional health. Art. 45.311(d), C.C.P. Such orders are enforceable against the parent by contempt. Art. 45.311(e), C.C.P.