

KENNEDALE MUNICIPAL COURT

The Kennedale Municipal Court hereby adopts the attached Youth Diversion Program Plan, effective January 1, 2025, in accordance with the provisions of House Bill 3186 and Subchapter E, Chapter 45 of the Texas Code of Criminal Procedure. This plan is designed to promote accountability, reduce recidivism, and ensure the welfare and safety of the community by redirecting eligible youth from formal criminal prosecution to constructive intervention strategies.



Presiding Judge Bill Lane
Kennedale Municipal Court



Kennedale Municipal Court Youth Diversion Plan

Pursuant to Article 45.036 of the Texas Code of Criminal Procedure (Tex. CCP), the Municipal Court of Kennedale hereby adopts this Youth Diversion Plan applicable to all eligible juveniles effective January 1, 2025. A copy of this plan and its attachments, if any, shall be maintained on file for public inspection in this court.

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. Terms may include a combination of conditions such as community service, an educational program, letters of apology, restitution and/or counseling. A child’s participation is voluntary and requires the child to accept responsibility for his/her conduct and engage in a diversion agreement.

The Kennedale Municipal Court hereby designates a Youth Diversion Coordinator under this plan. The person holding the position of Juvenile Case Manager in the Kennedale Municipal Court shall be designated as Youth Diversion Coordinator (hereinafter referred to as the “YDC”). The YDC will monitor the child’s compliance throughout their participation in the program, which may be 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. 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 that the diversion measures were unsuccessful, the court may transfer the child to a juvenile court or formally file the charge against the child for criminal prosecution, with the prosecutor’s approval. If it is determined that more time is necessary for a child to successfully complete diversion, a diversion contract can be extended and/or adjusted.

Applicability: This plan applies to all non-traffic, fine-only misdemeanor offenses filed by any law enforcement agency with this court against a child at least 10 years of age, but younger than 17 years of age on the date of the offense, and alleged to have been committed on or after January 1, 2025.

Eligibility: Any child charged with a non-traffic, fine-only misdemeanor alleged to have been committed on or after January 1, 2025, is eligible for the Kennedale Municipal Court’s Youth Diversion Program (hereinafter referred to as the “YDP”) provided that:

- The child was charged with a non-traffic, fine-only misdemeanor offense
- The child has not previously entered into a diversion agreement within the 365 days prior to entering into the current Diversion Agreement.
- The child has not previously been unsuccessful in the current YDP.
- The prosecutor does not object to the child entering the YDP
- The child and his/her parent(s)/guardian(s) have consented in writing to enter the YDP.

Youth Diversion Goals

- Prevent formal criminal prosecution.
- Empower the child to accept responsibility for his/her actions.
- Encourage acceptance of their consequences.
- Deter future criminal conduct.
- Prevent the creation or extension of criminal records.

Strategies

To implement this diversion program, the Kennedale Municipal Court will use the following diversion strategies, which include but are not limited to:

- Community Service for a non-profit organization (not to exceed 20 total hours)
- Alcohol, Tobacco, or Drug awareness program
- Classes or programs provided by Lena Pope of Fort Worth, Texas.
- Classes or programs provided by Court Solutions Online
- Referral to ACH Child & Family Services of Fort Worth, Texas for services, which may include:
 - At-risk youth services
 - Community-based services
 - Counseling
 - Anger Management
- Restitution not to exceed \$100 for an offense against property under Title 7 of the Penal Code
- Apology Letter Writing
- Other: _____

Diversion by Judge: If a charge involving a child who is eligible for diversion as described above is filed with the Court, the Judge will divert the case pursuant to Article 45.310 of the Tex. CCP. No provision is made for Intermediate Diversion pursuant to Article 45.309.

Collection of \$50 Administrative Fee: The Clerk of the Court shall collect a \$50 administrative fee from the parent of any child entering into the YDP unless otherwise instructed by the Judge.

Records: The Clerk of the Court shall maintain statistics for each diversion strategy utilized by this Court. Other than these statistical records, all records generated with the YDP are confidential pursuant to Tex. CCP, Art. 45.313 and 45.0217.

Expunction: The Clerk of the Court shall expunge all records pertaining to the diversion of a child under the YDP on the child's 18th birthday unless the child is still participating in the program. If the child is still participating in the program, the Clerk of the Court shall expunge said records within 30 days of when the case is final. If the child is successfully discharged, this means all the records will be expunged. If the child is unsuccessfully discharged, this means all the records specifically relating to the diversion are expunged, but records such as the citation or complaint, Order of Deferred Disposition, Judgment, and warrants are not expunged.

The Kennedale Municipal Court has adopted rules necessary to coordinate services under this plan as reflected in the Standing Order Related to Youth Diversion. A copy of this order is attached.

