

CAUSE NUMBER: _____

§

IN THE JUSTICE COURT

§

HAMILTON 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___.

Judge James Lively

Hamilton 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.

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE JUSTICE COURT

VS.

§

HAMILTON COUNTY, TEXAS

ORDER OF DISMISSAL

WHEREAS, the charge against the above named defendant (Child) alleges that Child committed the following offense: _____, **the Court Hereby Finds** that Child does not contest the charge, is eligible for diversion under Article 45.304, and accepts the terms of the Diversion Agreement, signed on the ___ day of _____, 20__ by Child and _____ (Parent).

THE COURT ORDERS:

The charge in the above referenced cause number is **HEREBY DISMISSED**.

Judge James Lively

Date

Hamilton 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).