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

#### **CAUSE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**§ IN THE COURT**

**§ \_\_\_\_\_\_**

**§ \_\_\_\_\_\_\_\_\_\_\_\_\_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: ­­­­­­­­­­­­­­­ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* The following terms of the Diversion Agreement are amended as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* 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, \_\_\_\_\_\_\_\_\_\_\_ Court

*(court seal)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas