

SUBJECT: Waiver of presence of parents when minors enter plea in court

COMMITTEE: Juvenile Justice and Family Issues - committee substitute recommended

VOTE: 7 ayes — Goodman, Cook, Brady, De La Garza, Naishtat, Puente, Van De Putte
0 nays
2 absent — H. Cuellar, Williamson

SENATE VOTE: On final passage, March 2 — voice vote

WITNESSES: None

BACKGROUND: When a juvenile commits a misdemeanor in a county other than in the one in which they reside, the juvenile must return, with a parent, guardian or managing conservator to the county to enter a plea in the case.

DIGEST: CSSB 577 would allow a municipal or justice court to waive the requirement of the personal appearance of a minor defendant or the presence of the parents, guardian or managing conservator for certain misdemeanor infractions under the provisions of the bill, violations of the Alcohol Beverage Code and certain motor vehicle offenses.

CSSB 577 would otherwise require that when a municipal or justice court hears a plea of a minor who is younger than 17, unless the disability of minority has been removed, the plea would have to be made by the defendant in open court with the defendant's parent, guardian or conservator present. The court could summon one or both parents, guardian or managing conservator to appear in the court and could require them to be present at all proceedings in the case.

The bill would take effect September 1, 1995.

SUPPORTERS SAY: CSSB 577 would help parents who might find it difficult to travel to another county to bring their children to court in order to enter a plea.

Judges should be allowed to determine, at their discretion, whether or not a defendant, parent or guardian need appear at an appearance for a misdemeanor offense. It is often difficult for parents to get time off from work in order to appear with their children for relatively minor offenses. CSSB 557 would remove this burden for some of these families at the court's discretion.

**OPPONENTS
SAY:**

Minors should always be required to appear in court to face charges against them regardless of the offense. In addition, parents should be required to attend these proceedings in order to impress upon their children or for the court to impress upon them the importance of taking responsibility in upholding our state's laws.

NOTES:

The committee substitute provides that the court may, rather than shall, cause a parent, guardian or managing conservator to be summoned to appear in court, and to require a parent, guardian or managing conservator to be present for all proceedings in the case. The committee substitute deleted from the Senate-passed version a provision allowing the court to waive the requirement of presence of the parents if the court was unable to locate them or to compel their presence. The substitute also deleted a provision authorizing a defendant to enter a plea in the county in which the defendant resides. The substitute added authorization for a court to waive the requirement of the presence of parents and the personal appearance of the defendant for good cause.