

SUBJECT: Short-term detention of children in uncertified facilities

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 6 ayes — Goodman, Staples, McReynolds, A. Reyna, Smith, Williams
0 nays
3 absent — J. Jones, McClendon, Naishtat

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas
Against — None

BACKGROUND : Under the Family Code, children taken into custody may be detained temporarily pending release or a hearing only in a juvenile processing office, a place of nonsecure custody, or a juvenile detention facility certified by the judge of the juvenile court and the members of the juvenile board in each county as meeting state requirements.

State requirements stipulate that children detained in a building with a jail, lockup or other place of secure confinement, including an alcohol or other drug treatment facility, must be separated by sight and sound from adults detained in the same building. Children detained in such buildings may not have any contact with security staff or direct-care staff who have contact with adults detained in the same building.

DIGEST: CSHB 1230 would allow children to be temporarily detained in an uncertified secure detention facility pending release or hearing if there were no certified juvenile detention facility available in the county in which the child was taken into custody and the detention facility complied with the short-term detention standards and the sight and sound separation requirements and had been designated by the county juvenile board.

A child detained in a building with a jail or lockup could have contact with security staff or direct-care staff who also had contact with adults detained in the same building.

Children detained in an uncertified secure detention facility would have to be moved to a certified juvenile detention facility if they were not released after their detention hearing.

CSHB 1230 would take effect September 1, 1997, and would apply only to a child taken into custody on or after that date.

**SUPPORTERS
SAY:**

CSHB 1230 would meet a practical need in rural Texas counties where there are no juvenile detention facilities. Currently, those counties must either release a child or transport a child to another county that does have a juvenile detention facility. This is prohibitively expensive because the county must pay for the officer and a car to drive the child and for housing the child, an expenses that can total as much as \$100 per day. The only alternative is to release the child, which may often thwart the purpose of the juvenile justice system and send a dangerous child back into the community.

CSHB 1230 would solve this problem without infringing on the rights or safety of the child. The county would only be able to detain a child in a facility that is not a certified juvenile detention facility during the short time period between arrest/detention and the detention hearing. This would be at most a 72-hour period and would more likely be for 24 hours or less. During that time, the child would be housed in a facility that complied with the short-term detention standards set by the Texas Juvenile Probation Commission (TJPC) and would be completely separated from any adults who might also be in the facility. The decision about whether to allow juveniles to be detained in a facility would be made by the county juvenile board, rather than at the facility. In addition, the facility would be inspected annually by TJPC, which has the right to inspect any facility for which it sets standards.

During the short detention period, the county could make arrangements for a bed in a separate facility for long-term detention, if that became necessary, or locate other suitable non-secure placement.

OPPONENTS SAY: The requirement that children be detained in certified juvenile detention facilities is designed to protect the safety of children. Counties should not be allowed to sidestep that requirement even for short detentions.

NOTES: The committee substitute added requirements that detention facilities comply with the short-term detention standards adopted by the TJPC and be designated by the county juvenile board, and that children be moved to a certified juvenile detention facility if not released after their detention hearing.