

SUBJECT: Chemical dependency screening of a child in the juvenile justice system

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Parker, White, Allen, Riddle, Rose, J.D. Sheffield, Toth
0 nays

WITNESSES: For —Jennifer Carreon, Texas Criminal Justice Coalition; Judy Powell, Parent Guidance Center; Josette Saxton, Texans Care for Children; Arturo Alviter; (*Registered, but did not testify:* Laura Blanke, Texas Pediatric Society; Duncan Cormie, Texas Network of Youth Services; Erica Gammill, League of Women Voters of Texas; Leah Gonzalez, National Association of Social Workers Texas Chapter; Joe Lovelace, Texas Council of Community Centers; Margaret McGettrick, Texas Catholic Conference; Derrick Osobase, Texas State Employees Union; Gyl Switzer, Mental Health America of Texas; Darren Whitehurst, Texas Medical Association)

Against — None

On — Mike Griffiths, Texas Juvenile Justice Department

BACKGROUND: Family Code, sec. 51.20 allows a juvenile court to order a child who has been referred to the court or who is alleged or found to have engaged in delinquent conduct to be examined by an expert to determine whether the child has a mental illness or mental retardation. It also requires the probation department to refer a child to the local mental health or mental retardation authority for evaluation and services if the child who is examined under this provision or one who is under deferred prosecution supervision or court-ordered probation is determined to have a mental illness or mental retardation. The referral is required unless the prosecuting attorney has filed a petition under Family Code, sec. 53.04.

Family Code, sec. 51.02(2) defines a child as a person 10 through 16 years old or, if alleged to have engaged in delinquent conduct, 17 years old.

Health and Safety Code, sec. 464.001 defines chemical dependency as

- abuse of alcohol or a controlled substance;

- psychological or physical dependence on alcohol or a controlled substance; or
- addiction to alcohol or a controlled substance.

DIGEST: CSHB 144 would add chemical dependency to the conditions for which children were examined and referred for evaluation and services under Family Code, sec. 51.20. The bill would allow the court to order this examination at its own discretion or at the request of the child's parent or guardian.

The probation department would be able to refer children who were determined to have mental illness, mental retardation, or chemical dependency to any appropriate and legally authorized agency or provider for evaluation and services.

The bill also would explicitly include detention in a secure pre-adjudication or post-adjudication correctional facility as stages of the juvenile justice process during which an assessment for mental illness, mental retardation, or chemical dependency could be ordered.

This bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 144 would help in the early detection of substance abuse, a growing problem that affects families and communities statewide. The earlier a chemical dependency is diagnosed and treated, the more likely treatment is to be effective. Adding chemical dependency to the list of conditions for which courts could assess children would help provide tools to lead children with chemical dependencies to healthier, more positive lives.

Courts already have the discretion to order these kinds of assessments and the Texas Juvenile Justice Department has substance abuse counselors on contract to perform assessments and assist with treatment when needed. Seventy-two percent of youth who come through the juvenile court system are assessed as having a need for treatment by a licensed or specially trained provider for abusing or becoming dependent on alcohol or drugs. HB 144 would clarify that chemical dependency should be a priority and that this kind of assessment would be available when appropriate.

Often, parents are aware of a chemical dependency problem with their children but not equipped to assess or treat the problem. Allowing parents

to request this assessment through the juvenile court system would give families an important tool to diagnose their children and put them on the path to recovery.

Untreated substance abuse costs the state billions of dollars a year in public health and criminal justice spending as well as lost work productivity. CSHB 144 would help the system to discover and treat substance abuse issues earlier, promoting recovery and reducing recidivism, which would reduce costs to the state.

Allowing the probation board to refer children to any appropriate agency would help those in rural areas where the mental health or mental retardation authority was not easily accessible or had a long waiting list.

CSHB 144 would not be intended to classify or categorize the children affected, nor to attach a stigmatizing label to those who were assessed and treated for chemical dependency as a result of this bill.

The fiscal note indicates that no significant fiscal implications to units of local government would be anticipated.

**OPPONENTS
SAY:**

It is unclear who would bear the costs of the assessment and the treatment when a child was referred for assessment under HB 144. In some cases, this could result in added costs for smaller local entities, whose relationships with their local assessment agencies may not be as well established as those in more populated areas.

NOTES:

The committee substitute removed language specifying that the facilities in which juveniles were detained were operated by TJJD and added language allowing the parent or guardian of a child to request the assessment.