

- SUBJECT:** Increasing local dispositions in certain juvenile court cases
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Riddle, Peña, Rose, Sanford, J. White
0 nays
1 absent — Hughes
- SENATE VOTE:** On final passage, April 14 — 31-0
- WITNESSES:** No public hearing
- BACKGROUND:** Under Family Code, sec. 54.04(c), juvenile courts and juries making a disposition in a case may place juveniles on probation in their homes. However, if a juvenile cannot be provided the needed support and supervision required to meet the conditions of a probation disposition, the juvenile court may place the juvenile outside of his or her home in certain settings. One possibility for youth who are adjudicated of certain conduct is placement in a facility run by the Texas Juvenile Justice Department (TJJD).
- Dispositions in juvenile court cases may be indeterminate, and TJJD may determine the length of commitment to its facilities based on certain factors. Juveniles adjudicated for certain serious or violent conduct may be given a determinate (fixed) sentence of up to 40 years in a TJJD or local detention facility, with possible release on parole or future transfer to the adult prison system or the adult parole system. The rights of youths secured in TJJD facilities are overseen by the Office of Independent Ombudsman under Human Resources Code, ch. 261.
- DIGEST:** SB 1630 would require the Texas Juvenile Justice Department (TJJD) to develop a plan for juvenile probation departments across the state to keep youth closer to home rather than committing them to TJJD facilities. The bill also would amend disposition options for juvenile courts and

juries for certain youth, require funding strategies for changes under the bill, and expand the oversight of the Office of the Independent Ombudsman.

Regionalization plan for serving juveniles. SB 1630 would require the TJJD and the Texas Juvenile Justice Board to implement a regionalization plan for serving youth in the juvenile justice system closer to home instead of committing them to TJJD's secure facilities. Each region would be required to operate defined, appropriate, research-based programs for youth under the regionalization plan. TJJD would consult with juvenile probation departments to identify capacity at post-adjudication facilities operated by juvenile probation departments, counties, or private operators that could help support the regionalization plan.

The regionalization plan would include a budget review, redirection of staff, and funding mechanisms needed to support the plan. TJJD would create a new division to administer the regionalization plan, monitor program accountability, and perform other functions, such as:

- approving plans and protocols to administer developed regional models;
- providing training on best practices to local probation departments;
- assisting in research-based program development; and
- analyzing TJJD data to provide clear guidance to local probation departments on outcome measures.

TJJD would develop contracts for placement and services under the regionalization plan that would include certain performance standards. Regions wishing to offer evidence-based, intensive in-home services could receive funding only for those services if they met these performance standards. TJJD would be required to adopt rules allowing local probation departments under the regionalization plan to access juvenile case management data that they had submitted for research and planning purposes.

Special commitments to TJJD. SB 1630 also would amend disposition

options for juveniles who had been found to have engaged in delinquent conduct constituting a felony but who were not facing a determinate sentence. In these cases, courts and juries could make a special commitment finding if the juvenile had behavioral health or other special needs, identified by a juvenile probation department through a validated needs assessment, which could not be met through resources available in the juvenile's community.

If such a finding were made, the court could commit the child to either a post-adjudication secure correctional facility or to TJJD. The department would be required to develop specialized programs and special projects for youth with determinate sentences and youth who had received a special commitment. Specialized programs would need to ensure the safety and security of committed youth and provide developmentally appropriate program strategies. TJJD would establish performance-based goals related to improved outcomes, such as reduced recidivism and other well-being outcome measures.

TJJD would be required to identify youth who could safely and appropriately be transferred from TJJD facilities to a local alternative placement or a halfway house, placed on probation or parole, or otherwise released under supervision. The department also would study and report to the juvenile justice board on how existing secure facilities could be repurposed for the confinement of youth who had received determinate sentences or who had received a special commitment, or for other purposes.

Probation department funding formula. SB 1630 would establish a probation funding formula defined by what basic probation entailed and what services were provided. Under current law, TJJD is required to allocate annually state aid funds to juvenile boards to provide juvenile services, and the bill would require the department to use the formula for this purpose, in addition to other factors. The bill also would allow the Legislature to appropriate funds to initiate the regionalization plan in a way that generated savings to the state through a decreased population of youth detained in secure facilities operated by TJJD.

The bill would require TJJJ to set aside a portion of its discretionary state aid appropriations to fund projects with established recidivism reduction goals dedicated to serving specific populations based on risk and needs. The department also would be required to reimburse counties for the placement of youth under the regionalization plan at a rate that would offer a savings to the state compared with the relative cost for detaining a child in a TJJJ secure facility.

Office of the Independent Ombudsman. SB 1630 would give the Office of Independent Ombudsman authority over post-adjudication facilities for juvenile offenders. The bill also would allow the ombudsman to investigate any complaints alleging that the rights of youths committed to post-adjudication facilities for juvenile offenders were being violated.

The bill would take effect September 1, 2015. The changes in law regarding special commitments would apply only to conduct that occurred on or after September 1, 2017.

**SUPPORTERS
SAY:**

SB 1630 would continue the successful reforms Texas has undertaken in its juvenile justice system over the past several years by ensuring that juveniles received effective treatment to prevent recidivism, were sent to the appropriate programs, and were kept safe.

Keeping certain low- and medium-risk youth closer to home for dispositions can have significant positive outcomes, including decreased recidivism. In Texas, more of these youth could be kept locally, and more could be done for local juvenile probation programs. SB 1630 would help address these issues and allow for regional collaboration. The bill also would improve the treatment and rehabilitation of youth with specialized needs who could not be served in the community. State facilities still would be an option for the most serious-level cases.

SB 1630 would result in overall savings to the state because state-run facilities have been shown to be more expensive to operate than local programs. Recidivism also can be costly. Funding for the regionalization

plan proposed in this bill currently is reflected in this session's budget proposal.

The increased authority that the bill would give to the Office of Independent Ombudsman would ensure that youth served in regional facilities were provided the same modicum of safety as youth in state facilities while the state works to continue improving youth outcomes by keeping more youth close to home.

OPPONENTS SAY: SB 1630 could burden juvenile probation departments across the state by allowing the Office of the Independent Ombudsman to oversee their operations. Juvenile probation offices already are subject to the oversight of the Texas Juvenile Justice Department, and adding additional reporting requirements would be duplicative and problematic.

OTHER OPPONENTS SAY: While SB 1630 would be a positive next step in moving forward juvenile justice reform in Texas, local juvenile probation departments, particularly in smaller counties, would have to receive the funding and technical support necessary to implement the requirements of the bill.

NOTES: According to the Legislative Budget Board, SB 1630 would result in a negative impact to general revenue of about \$1.1 million through fiscal 2016-17.