

- SUBJECT:** Removing running away as a status offense
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu
0 nays
- WITNESSES:** For — Byron Sanders, Big Thought; Deborah Fowler, Texas Appleseed; Prince Hayward, Texas Network of Youth Services; (*Registered, but did not testify*: Aaryce Hayes, Disability Rights Texas; Ricardo Martinez, Equality Texas; Angel Carroll, MEASURE; Alison Mohr Boleware, National Association of Social Workers-Texas Chapter; Sarah Crockett, Texas CASA; Shea Place, Texas Criminal Defense Lawyers Association; Alycia Castillo, Texas Criminal Justice Coalition; Amelia Casas, Texas Fair Defense Project; Eric Woomer, Texas Pediatric Society; Brittney Taylor, TexProtects)

Against — None
- BACKGROUND:** Under Family Code sec. 51.02, a status offense is conduct that would not be a crime if committed by an adult such as a violation of a juvenile curfew ordinance. Under sec. 51.02, running away from home is listed as a status offense. It is defined as the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return. Under Family Code 51.03(b)(2), running away also is considered conduct indicating a need for supervision (CINS), which is one of the two kinds of conduct that can bring a child into the juvenile justice system.
- DIGEST:** HB 1709 would remove a child voluntarily running away from home as a status offense and as conduct indicating a need for supervision (CINS) in the Family Code.

The bill would amend Family Code provisions that establish what must be

done when children are taken into custody for status offenses. The bill would limit where children accused of status offenses could be detained to juvenile processing offices located in police or sheriff's facilities and designated as such by local juvenile boards or certain other places of nonsecure custody that meet the requirements of the Code of Criminal Procedure.

The bill also would set limits on how long a child accused of a status offense could be detained in certain types of places. Children accused only of a status offense could not be detained at a place of nonsecure custody for longer than six hours, or at a nonsecure correctional facility for longer than 24 hours. If the child was not released before the sixth hour after arrival, the child would be entitled to a detention hearing that would have to be held within 24 hours of the child's arrival at the place of detention, excluding weekends and holidays. The judge or referee conducting the detention hearing would be required to release the child from detention, unless another law provided otherwise.

The bill would repeal the authority of a court, under certain conditions, to order secure confinement of a status offender adjudicated for violating a valid court order.

The bill would take effect September 1, 2021, and would apply to conduct that occurred on or after that date.

**SUPPORTERS
SAY:**

HB 1709 would decriminalize running away from home by eliminating it as a status offense in the Family Code. In some cases, runaways may be returned directly by law enforcement officers to their parents, but in other situations a juvenile probation department may become involved. While most often cases are dismissed or the child is given a caution, even this minimal contact with the juvenile justice system is inappropriate and potentially harmful.

Runaways should not be brought into the juvenile justice system for behavior that is not a crime. These children would be better and more appropriately served through community-based services or, in appropriate

cases, the Department of Family and Protective Services. Many local and community-based groups provide support to runaways, including temporary shelters, counseling, and therapy. These services can help address the root cause of the child running away from home.

The bill also would limit detention in cases of status offenses so that children who had not committed a crime were moved quickly to their homes or to other services to address their needs. Removing runaways from the juvenile justice system would help reserve resources in that system for those in need. The bill would eliminate the ability of courts to detain a status offender in a secure facility while waiting for adjudication for violating a court order related to the status offense because it is disproportionately punitive in relation to the original conduct and can result in negative effects from contact with the juvenile justice system.

CRITICS
SAY:

No concerns identified.