

BILL ANALYSIS

Senate Research Center

S.B. 1887
By: Huffman
State Affairs
6/14/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Dually-involved youth are children who interact with both the child welfare and juvenile justice systems. Conflict between the juvenile justice and welfare systems create contradictory court orders, conflicting treatment plans, duplication of services and hearings, higher placement costs, and a waste of limited resources. S.B. 1887 will allow juvenile courts to transfer or refer parts of cases to the children's courts for dually-involved youth and allow children's courts to hear these cases. (Original Author's/Sponsor's Statement of Intent)

S.B. 1887 amends current law relating to jurisdiction over certain child protection and juvenile matters involving juvenile offenders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.04, Family Code, by amending Subsection (a) and adding Subsection (h), as follows:

(a) Adds an exception under Section 51.0414 to the juvenile court's exclusive original jurisdiction over proceedings under this title (Juvenile Justice Code).

(h) Authorizes a judge exercising jurisdiction over a child of a suit instituted under Subtitle E (Protection of the Child), Title 5, to refer any aspect of a suite involving a child that is instituted under this title to the appropriate associate judge appointed under Subchapter C (Associate Judge For Child Protection Cases), Chapter 201, serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents to the referral. Provides that the scope of an associate judge's authority over a suit referred under this subsection is subject to any limitations placed by the court judge in the order of referral.

SECTION 2. Amends Chapter 51, Family Code, by adding Section 51.0414, as follows:

Sec. 51.0414. DISCRETIONARY TRANSFER TO COMBINE PROCEEDINGS. Authorizes the juvenile court to transfer a child's case, including transcripts of records and documents for the case, to a district or statutory county court located in another county that is exercising jurisdiction over the child in a suit instituted under Subtitle E, Title 5. Authorizes a case to only be transferred under this section with consent of the judge of the court to which the case is being transferred.

(b) Provides that, notwithstanding Section 51.04 (Jurisdiction), a district or statutory county court to which a case is transferred under this section has jurisdiction over the transferred case regardless of whether the court is a designated juvenile court or alternative juvenile court in the county.

(c) Requires the juvenile court, if the court exercising jurisdiction over the child under Subtitle E, Title 5, consents to a transfer under this section, to file the transfer order with the clerk of the transferring court. Requires the clerk of the transferring court, on receipt and without a hearing or further order from the juvenile court, to transfer the files, including transcripts of records and documents for the case as soon as practicable but not later than the 10th day after the date an order of transfer is filed.

(d) Requires the clerk of the receiving court, on receipt of the pleadings, documents, and orders from the transferring court, to notify the judge of the receiving court, all parties, and the clerk of the transferring court.

SECTION 3. Amends Section 201.204, Family Code, by adding Subsection (e) to authorize an associate judge to hear and render an order in a suit referred to the associate judge by a juvenile court under Section 51.04, subject to the limitations placed on the associate judge's authority in the order of referral.

SECTION 4. Makes application of this Act prospective. Provides that, for purposes of this section, conduct occurred before the effective date of this Act if any element of the conduct occurred before that date.

SECTION 5. Effective date: September 1, 2019.