

*Sunset Process and Legislation for Texas' Juvenile Justice Agencies
2010 – 2011*

With the input of various stakeholders throughout 2010, but largely as a cost-savings measure, the Sunset Commission in January 2011 voted in favor of a motion to abolish both the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC), instead transferring their discrete functions to a newly created umbrella agency.

S.B. 653, the resulting legislation, which was signed by the Governor in mid-May 2011 and takes effect September 1, 2011, creates a unified juvenile justice agency, the new Texas Juvenile Justice Department, by **abolishing and combining the powers and duties of TYC and TJPC.**¹

Senate Bill 653

Major Logistical and Structural Reforms

- * The new Department will take effect December 1, 2011, though agency merger activities will continue beyond the start date.
- * The merger will be overseen by a 7-member transition team (appointed September 1 to October 1), composed of agency representatives, executive/legislative representatives, a representative on behalf of youth/family/victim interests, and a representative with experience in organizational mergers. The team will work through March 1, 2012. Specifically, the transition team will include the following members:
 - a representative of TJPC, appointed by TJPC
 - a representative of TYC, appointed by TYC
 - a representative of the Governor;
 - a representative of the Lieutenant Governor, appointed by the Governor
 - a representative of the Speaker of the House, appointed by the Governor
 - one member, appointed by the Governor, who represents the interests of:
 - youthful offenders or the families of youthful offenders;
 - an organization that advocates on behalf of youthful offenders or the families of youthful offenders; or
 - an organization that advocates on behalf of the victims of delinquent or criminal conduct; and
 - one member with experience in organizational mergers, appointed by the Governor
- * The transition team will have the following powers and duties:
 - Coordinating and overseeing the transition of services and facilities from TJPC and TYC to the new Department (September 2, 2011 – November 30, 2011).
 - Assisting the Department and advising its board in the implementation of the transition of services and facilities (December 1, 2011 – February 29, 2012).
 - Preparing a transition plan that will include short-term, medium-term, and long-term transition goals for the Department, and which may include benchmarks and timelines as appropriate (December 1, 2011 – February 29, 2012).

- * The Governor will appoint a new 13-member Department board by December 1, 2011, composed of judges, a juvenile court prosecutor, chief juvenile probation officers, an adolescent mental health treatment professional, an educator, and members of the general public. Specifically, the Board will include the following members:
 - One district court judge of a juvenile court
 - Three members of a county commissioners court
 - One juvenile court prosecutor
 - One chief juvenile probation officer of a probation department serving a county with fewer than 7,500 persons younger than 18 years of age
 - One chief juvenile probation officer of a probation department serving a county with at least 7,500 but fewer than 80,000 persons younger than 18 years of age
 - One chief juvenile probation officer of a probation department serving a county with 80,000 or more persons younger than 18 years of age
 - NOTE: A chief juvenile probation officer board members may not vote on any board decision that solely impacts the officer’s department or regards any matter of abuse or neglected regarding the officer’s department²*
 - One adolescent mental health treatment professional
 - One educator
 - Three members of the general public³

- * The Board will appoint a 13-member Advisory Council, comprised largely of chief juvenile probation officers, which will assist the Board in identifying the needs and problems of counties. Council members will conduct long-range strategic plans, review and propose revisions to newly proposed standards, analyze potential cost impacts of those standards, and advise the Board in other matters, as necessary. Specifically, the Advisory Council will include the following members:
 - The Executive Director of the Department or the Executive Director’s designee;
 - The Director of probation services of the Department or the Director’s designee;
 - The Executive Commissioner of the Health and Human Services Commission or the Commissioner’s designee;
 - One representative of the county commissioners courts appointed by the Board;
 - Two juvenile court judges appointed by the Board; and
 - Seven chief juvenile probation officers appointed by the Board.⁴

NOTE: The chief juvenile probation officers will be pulled from a nomination pool provided to the Board by each regional chiefs association. These nominations should include one chief juvenile probation officer who serves a county with a population of:

 - 7,500 persons younger than 18 years of age;
 - 7,500 but fewer than 80,000 persons younger than 18 years of age; and
 - 80,000 persons younger than 18 years of age.⁵

- * The Office of Independent Ombudsman (OIO) will be maintained as an independent agency to oversee the rights of youth committed to state facilities, and it will be authorized to review local probation department data on complaints.⁶ The Office of Inspector General (OIG) will also be maintained to oversee crimes in state-run facilities.⁷ All reports will be made directly to the Department’s board. Finally, criminal investigations related to probation will be referred to local departments.

- * The Department is authorized to transfer a closed facility to the county or municipality in which the facility is located if the facility will be used for a purpose that benefits the public interest of the state. If the property is not used for a public purpose, ownership of the property will automatically revert back to the Department. This applies only to facilities in counties with a population of less than 100,000.⁸

Other Key Components of Legislation

- * Prioritizes the use of community- and/or family-based programs over the commitment of youths to secure facilities.⁹
- * Encourages the Department to create a juvenile justice system that produces positive outcomes for juveniles, their families, and communities by:
 - Operating state facilities to effectively house and rehabilitate youth that cannot otherwise be safely served in an alternative environment.
 - Assuring accountability, quality, and transparency through effective monitoring the use of statewide performance measures.
 - Promoting the use of programs and service designs proven to be most effective.
 - Protecting and enhancing the cooperative agreements between state and local county governments.¹⁰
- * Encourages – rather than requires – the Department to seek accreditation for each of its facilities from the American Correctional Association.¹¹
- * Requires the Department to create a toll-free number and to share any complaints received at the number with both the OIG and OIO.¹²
- * Adds specialized treatment to intake planning and adds histories of medical, sex offense, and violent offense to the current examinations.¹³
- * Maintains an ongoing zero-tolerance policy on sexual abuse.¹⁴
- * Requires the Department to encourage compliance with educational service standards and maintains continuity of educational services to youth, including special education services.¹⁵
- * Requires the Department to provide prevention and intervention services for at-risk youth ages 6-17 who are subject to compulsory school attendance or under juvenile court jurisdiction.¹⁶
- * Clarifies individualized re-entry plans for each child to ensure the child receives continuity of care, including, as applicable, housing assistance, step-down programs, family counseling, academic and vocational mentoring, trauma counseling for any child who is a victim of abuse while in the Department’s custody, and/or other specialized treatment services.¹⁷

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- ¹ S.B. No. 653, Sec. 201.002, Sub-Sec. 1
² S.B. No. 653, Sec. 202.005
³ S.B. No. 653, Sec. 202.001, Sub-Sec a, Div(s). 1-9
⁴ S.B. No. 653, Sec. 203.0081
⁵ *Ibid.*, Sub-Sec b
⁶ S.B. No. 653, Sec. 261.003, Sub-Sec a; S.B. No. 653, Sec. 203.0105
⁷ S.B. No. 653, Sec. 203.010
⁸ S.B. No. 653, Sec. 4.007
⁹ S.B. No. 653, Sec. 201.002, Sub-Sec. 2, Div. C
¹⁰ S.B. No. 653, Sec. 201.002, Sub-Sec 2, Div(s). A, B, D, E
¹¹ S.B. No. 653, Article 2, Sec. 2.001, Sub-Sec c
¹² S.B. No 653, Sec. 203.014
¹³ S.B. No. 653, Sec. 244.001, Sub-Sec a, Div(s) 1, 2
¹⁴ S.B. 653, Sec. 242.101
¹⁵ S.B. No. 653, Sec. 221.005
¹⁶ S.B. No. 653, Sec. 203.0065
¹⁷ S.B. No. 653, Sec. 245.0535