



**Juvenile Justice Restructuring
Summary of SB 653 by Whitmire
June 2011**

Senate Bill 653 by Whitmire resulted from the 2010 Texas Sunset Commission review of the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC). The bill dissolves TJPC and TYC and creates the structure for a single juvenile justice continuum under the direction of the new Texas Juvenile Justice Department (TJJD). The bill consolidates statutes into a new section of the Human Resources Code, *Title 12: Juvenile Justice Services and Facilities*. The most significant changes made by this restructuring bill include:

Governance and Structure

- **Dates and Merger:** TYC and TJPC are abolished as of December 1, 2011, when the new TJJD board is appointed. All staff, programs, policies, and obligations pertaining to TYC and TJPC will transfer to TJJD at that time, and facilities operated by TYC will be transferred as state-run facilities to TJJD. TJJD will have responsibility for the monitoring functions currently with TJPC and the correctional functions currently with TYC. Programs and facilities currently operated by local juvenile probation departments will continue to be operated locally.
- **TJJD Board:** The new agency's board will have 13 members, all appointed by the Governor. Board members include a district court judge presiding over a juvenile court, three county commissioners, a juvenile prosecutor, three chief juvenile probation officers—one each from a small, medium, and large county, an adolescent mental health treatment professional, an educator, and three members of the public. The board chair is designated by the Governor, and members serve staggered six-year terms. The board hires the Executive Director.
- **Transition Team and planning:** A transition team will be put in place between September 1 and October 1, 2011. It will have seven members: a representative from TYC, TJPC, the Lieutenant Governor, the Speaker of the House, and the Governor's office. One member will represent youthful offenders, their families, youth advocates or victims, and one member will have experience in organizational mergers. The Governor appoints all but the TYC and TJPC representatives and designates the Chair. Between September 1 and December 1, 2011, the team is charged with coordinating and overseeing the transition of services and facilities from TYC and TJPC to TJJD. After the board is appointed December 1 and until March 1, 2012, the transition team is responsible for helping the new board implement the transition. Some tasks related to restructuring will take longer to implement, which the bill accommodates by requiring the transition team to prepare for the board a transition plan with short-, medium-, and long-term planning goals. The transition team is dissolved March 1, 2012.
- **Advisory Council:** An advisory council, similar to the one currently in existence for TJPC, will be maintained. A majority of the advisory council is comprised of chief juvenile probation officers. Its primary responsibility is assisting TJJD determine the needs of local juvenile probation departments and assess the impact of policy on the local departments.
- **Facility closure:** This bill does not require closure of any TYC facilities. However, the budget process has resulted in cuts—like those for all state agencies this session—that require closure of three youth correctional facilities. Youth in facilities designated for closure will be transferred to another existing facility, as the Legislature did not change the sentencing structure to facilitate population reduction.



Future population reductions at secure, state-run facilities are to be achieved through counties' efforts to keep more felony youth in the county for rehabilitation rather than commit them to the state. This bill provides that any closed TYC facilities may be transferred to a local government entity that would use the facility for a public purpose.

Correctional Strategies

- **Purpose and Goals:** The bill includes very strong language to guide the new department and counties in the myriad decisions necessary for implementation. The Legislature gave TJJJ the purpose of creating a unified juvenile justice system that provides a full continuum of effective services, prioritizing community- and family-based programs over commitment to a secure facility. Goals are to support a county-based system that reduces the need for out-of-home placement, locate facilities close to necessary workforce and youths' families, and use secure facilities—when necessary—that are sized for effective rehabilitation.
- **Delinquency prevention:** TJJJ will have responsibility for providing prevention and intervention services related to juvenile delinquency, truancy, and dropping out of school. TJJJ is required to create and administer a statewide plan for prevention and intervention, improve efficiency and coordination of prevention dollars, fund research-based programs, and use outcome measures. The department will distribute funds to community-based prevention and intervention service providers using a competitive process. Prevention is a new responsibility that neither TYC nor TJPC had prior to the bill's passage. Delinquency prevention programs have existed at the Department of Family and Protective Services along with the child abuse and neglect prevention programs, and the Texas Education Agency previously had responsibility for dropout prevention programs.
- **Funding Priorities:** The bill requires the TJJJ board to structure funding so that it prioritizes services that keep youth in rehabilitative programs in their home communities. Funding cannot be structured in a way that provides an incentive to incarcerate youth.
- **Education standards:** The bill requires that the TJJJ provide technical assistance to county juvenile probation departments on meeting state and federal educational standards for youth under their supervision. TJJJ will carry out a plan to ensure continuity of educational services for youth involved in the juvenile justice system, including youth eligible for special education services. The bill also allows the State Board of Education to grant a charter school application to a youth detention or correctional facility.
- **Treatment planning:** For youth committed to TJJJ, the agency is required to conduct an initial exam within 3 business days of commitment to identify how to address the youth's treatment needs. Specialized treatment needs—including medical, substance abuse, psychiatric, sex offending, and violent offending—will be assessed during the exam. An individualized, written plan for the youth will be developed as soon as possible. It will include objectives and timelines for meeting the treatment goals and will be reassessed on a period basis.
- **Re-entry and reintegration:** The bill does not change the responsibility for providing parole for youth released from a state-run facility: TJJJ may employ parole officers directly or contract with local juvenile probation departments to provide parole, as could TYC. However, the bill does change the statute



regarding reentry and reintegration planning for youth. Under the bill, a reentry and reintegration plan must be individually designed to ensure continuity of care post-confinement. Post-release services in a youth's written plan must include, if applicable, housing assistance, placement in a halfway house, counseling, academic and vocational mentoring, trauma counseling if the youth was a victim of abuse while at TJJD, and other specialized treatment services that might be needed. The bill requires that TJJD look for alternatives when a needed service is not available so that a youth's release is not delayed. TJJD will also be required to clearly explain each youth's plan to the youth, and the youth must sign a document that explains any conditions of ongoing supervision.

- **Performance-based standards.** The bill requires TJJD to use performance measures related to youth outcomes, public safety, and victim restoration to evaluate the effectiveness of programs and services. The board is required to make performance measure information available to the public on its website and to use the information in making funding decisions for juvenile delinquency programs and services.
- **Accreditation:** The bill repeals existing law, adopted in 2007, that requires TYC to seek accreditation for each of its facilities from the American Correctional Association. TJJD may seek accreditation, but would not be required to do so.

Complaints and Abuse

- **Complaints:** TJJD will maintain a toll-free hotline for youth under the supervision of a local juvenile probation department or TJJD for the purpose of reporting abuse, neglect, or exploitation. TYC and TJPC have maintained separate, similar hotlines in the past. The combined toll-free hotline will be answered by a staff person 24 hours a day. All complaints that come in on the hotline will be shared with both the Office of Independent Ombudsman and the Office of Inspector General. TJJD must immediately notify a local probation department if it receives a complaint related to that department.
- **Office of Independent Ombudsman:** The bill continues the Office of the Independent Ombudsman as an independent state agency, with the Independent Ombudsman appointed by the Governor. As in the past, the OIO will have authority to investigate issues relating to a child committed to a state-run facility. Under this bill, the OIO will not have authority related to children in county-run facilities or programs. However, local juvenile probation departments must provide to the OIO any data related to complaints, abuse, neglect, or exploitation that they are required to submit to TJJD or a local juvenile board. The OIO will assess complaints received on the hotline, review reports submitted to it and to TJJD by local juvenile probation departments, and report suspected standards violations to the appropriate investigative division of TJJD.
- **Office of Inspector General:** The bill changes the OIG reporting structure so that the Office reports directly to the TJJD Board, rather than Executive Director, as in the past. The OIG will retain jurisdiction over crimes in state-run facilities or those committed by TJJD employees and will receive data on crimes in locally-run facilities. Alleged violations that occur in county-operated programs will be referred to local law enforcement for investigation and resolution.
- **Zero-tolerance policy on sexual abuse:** TYC was previously required to adopt a zero-tolerance policy concerning sexual abuse—including consensual sexual contact—of youth committed to TYC. This bill additionally requires TJJD to enforce the zero-tolerance policy.