

JUVENILE PROBATION | SUPERVISION OFFICER BASIC COURSE
Foundations of Juvenile Law | Texas Family Code and Related Laws



PARTICIPANT GUIDE

Juvenile Justice Training Academy

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INTRODUCTION

This course examines juvenile laws as outlined in the Texas Family Code and related laws. Strategies regarding how juvenile justice professionals may navigate the law with juveniles on supervision will be discussed.

OBJECTIVES

1. Discuss laws governing the juvenile justice system as outlined in the Texas Family Code and related laws.
2. Examine procedural requirements necessary when supervising juveniles.
3. Critically consider how juvenile law is applied in the juvenile justice system.

NOTES

SECTION I – FUNDAMENTALS

| Texas Juvenile Justice System

- Texas Statutes
 - Family Code
 - Code of Criminal Procedure
 - Penal Code
 - Education Code
 - Rules of Civil Procedure
 - Rules of Evidence
 - Human Resource Code
- Cases have both *civil* and *criminal* elements
- Delinquent acts met with:
 - Treatment
 - Training
 - Rehabilitation

More Information on Juvenile Law:

- Texas Juvenile Law
- Texas Juvenile Justice Handbook

www.texasattorneygeneral.gov

| PARALLELS

Texas Family Code Goals

- Rehabilitation
- Safety | public protection
- Treatment | training
- Child | parent accountability
- Moral | mental | physical development
- Control of unlawful acts

ACTIVITY – PERFECT MATCH

Instructions - Individually, match terms from the word bank with the appropriate parallel word. Each word will be used only once. We will discuss the answers as a large group.

	JUVENILE TERM	PARALLEL TERM
1.	Petition	
2.	Taken Into Custody	
3.	True Not True	
4.	Release to Parents	
5.	Child in Need of Supervision and/or Delinquent Conduct	
6.	Adjudication Hearing	
7.	Directive to Apprehend	
8.	Probation	
9.	Adjudication	
10.	Respondent	
11.	Detained	

WORD BANK
Warrant
Arrest
Jailed
Bond Bail
Defendant
Indictment
Trial
Guilty Not Guilty
Conviction
Crime
Community Supervision

| STRUCTURE

– Local Juvenile Probation Departments

- Juvenile Boards | Commissioners’ Court
 - Allocates funding
 - Set department budgets
 - Oversee inspection of facilities
 - Establish guidelines and policies
- 254 counties
- 167 departments | judicial districts
- ~2900 certified juvenile probation officers
- ~4100 certified supervision officers
- ~54 community activities officers

Programs | Services

- Community service restitution programs
- Counseling services
- Case management
- Education programs | JJAEPs
- Specialized programming

– Texas Juvenile Justice Department | TJJD

Enhances Juvenile Probation Services by:

- Allocating funds
- Providing training | technical assistance
- Establishing | enforce standards
- Collecting | distribute information

5 state facilities

- Gainesville State School
- Evins State School
- Giddings State School
- McLennan State School
- Ron Jackson State School

7 state halfway houses

- Ayres House
- Brownwood House
- Cottrell House
- Schaeffer House
- Edna Tamayo House
- Willoughby House
- McFadden Ranch

| AGE LIMITS

“Child” defined as:

- 10-years-old and under 17-years-old
- 17-years-old but under 18-years-old if alleged or found to have engaged in illegal acts

Other age requirements

7-years-old	Minimum age for STAR program Services to at-risk juveniles
10-years-old	Minimum age in juvenile court jurisdiction
14-years-old	Minimum age for certification as adult capital murder, 1 st degree and aggravated controlled substance felonies
15-years-old	Minimum age for certification of all other felonies
17-years-old	Minimum age for adult criminal prosecution
18-years-old	Maximum age of juvenile court control, exceptions apply
19-years-old	Maximum age of TJJD jurisdiction

| OFFENDER CATEGORIES

Non-Offender	Status Offender	Conduct Indicating a Need for Supervision	Delinquent Conduct
<ul style="list-style-type: none"> ▪ Abuse, dependency, and neglect ▪ Reasons unrelated to crime ▪ Deportation 	<ul style="list-style-type: none"> ▪ Curfew violations ▪ Truant conduct ▪ Runaways ▪ Alcoholic beverage offenses ▪ Tobacco offenses 	<ul style="list-style-type: none"> ▪ Fine only offenses ▪ Ordinance violations ▪ Runaway ▪ Paint glue inhalation ▪ CINS Prostitution ▪ CINS Sexting 	<ul style="list-style-type: none"> ▪ Penal laws of Texas or United States ▪ Class B misdemeanor and higher ▪ Felony offenses

NOTES

SECTION II – CASE FLOW

– 2 Types of Offenses

▪ **Misdemeanor offenses**

- Less serious
- Do not involve violence
- Low level property loss

Examples – criminal mischief, theft

▪ **Felony offenses**

- More serious | stiffer penalties
- May involve violence
- High level property loss

Examples - murder, arson

– 2 Types of Custody Events

▪ **Custody | Arrest**

- Taken into custody
- Transported to juvenile detention
- Preliminary interview
 - Age
 - Probable cause | offense type
 - Deportation status
 - CRCG if under 12-years-old
- Release to parent | guardian or detain

▪ **Non-Custody | Non-arrest**

- Paper referral from law enforcement
- Submitted to juvenile probation department
- Decision to prosecute determined

| Detention Hearings

Court determines probable cause | whether a juvenile will be released or detained

Parent | Guardian should be present at the hearing | If not, guardian ad litem appointed

Considerations

- Likely to abscond?
- Lack of supervision?
- Parent present?
- Danger to self or others?
- Risk for a new offense?
- Firearm?

| Court | Adjudication Hearings

Hearing on the facts of a case to determine whether an offense is true or not

Parent | guardian must be notified and present

Steps leading to court hearing

- Petition issued by prosecuting attorney
- Hearing scheduled, 10 days after petition filed
- Summons served to juvenile | parties
- All parties appear in court
- Juvenile, with help of attorney will:
 - Stipulation of evidence (enter a plea)
 - Adjudication hearing (trial before judge or jury)
- If juvenile moving to another state
 - Must inform the court
 - Interstate Compact paperwork

Distinctive courts

- Juvenile Courts | county, court-at-law, district
- Justice Court (JP) | Municipal | County | Truancy
- Specialty
- Cross-Over

| Disposition Hearings

Determines what conditions will be ordered for a juvenile adjudicated true by judge or jury

Typical actions

- Pre-disposition report presented to judge
 - Pertinent juvenile information
 - Recommendations
 - JPO may testify, must be confident and defend recommendations
- Judge makes final determination about conditions
- JPO reviews conditions, obtain signatures, copies distributed
- Initial meeting scheduled with JPO

Condition examples

- Community service restitution
- Fees
- Restitution
- Counseling
- Anger management counseling
- Substance abuse counseling
- DNA testing in sexually related offenses and felonies
- Regular school attendance with good behavior
- Residential placement
- Commitment to TJJD

| Modification Hearings

Determines what consequences will be ordered due to violations of original probation term or a change in circumstances

Violation examples

- New offenses
- Failure to attend school with unexcused absences
- Testing positive for drugs
- Failure to pay restitution
- Residential placement

2 Types of Placement

- Secure facility
 - Restriction on the departure of an individual
- Non-secure facility
 - No restrictions on the departure of an individual

| TJJJ Commitment

– 2 Types of Commitments

Indeterminate

- Length of stay determined by TJJJ
- Based on offense, risk to community
- May remain at TJJJ until 19-years-old
- Eligible for parole
 - Minimum length of stay complete
 - Progress with treatment
- May transfer to TDCJ, determined at transfer hearing, based on poor progress, other factors

Determinate

- 10-40 year determinate sentence
- Based on offense
- Minimum period of confinement in state secure residential facility
- If no progress
 - Transfer to TDCJ before 19th birthday
- If successful
 - Transfer to adult parole

Progress through TJJJ

- Orientation | Assessment
 - Ron Jackson State School
- Placement
- Release | Parole
 - Halfway House, if applicable
- Discharge

| JPO Practical Considerations

▪ **Know the law and where to find it**

- Attend training as required
- Stay current on case law updates

▪ **Do not falsify documents**

- Be truthful on all documents
- Accurate information on all records

▪ **Recommend appropriate conditions**

- Base on individual needs
- Stand by decisions, even when challenged

▪ **Parental rights and responsibilities**

- Must obtain attorney for juvenile
- Legal obligation to assist juvenile in supervision

▪ **Educate yourself**

- Read juvenile file information
- Form rapport with parties connected to case
- Review complete police report | other documents
- Consult others on court proceedings

▪ **Don't take things personally**

- Be mindful of reactions
- Stay calm during testimony or meetings

▪ **Be thorough | proofread**

- Review court documents for errors
- Check reports before submitting to court

| JSO Practical Considerations

▪ **C** | Comply with laws, administrative rules, policies, and procedures

- Have basic understanding of law
- Know where to find relevant statutes | policies
- Only certified officers must perform duties of JSO

▪ **O** | Oversee the safety and security of the facility

- Must be alert and oriented
- Be aware of dangerous chemicals or objects; ensure they are being used correctly
- Equipment must be accounted for at all times
- Know the rights of juveniles outlined in Texas Administrative Code
- Remain calm under pressure

▪ **D** | Document daily operations, report incidents, and activities

- Record in written communication:
 - Juvenile behavior
 - Room checks
 - Daily activities
 - Any behavior appearing inappropriate
- Reports must be clear and concise; falsifying is against the law
- Avoid reporting personal opinions
- Proofread

▪ **E** | Ensure safety and well-being of juveniles

- Rapport with juveniles
- Implement behavior management plans, if applicable
- Know proper restraint technique

▪ **S** | Supervise facility programs and services

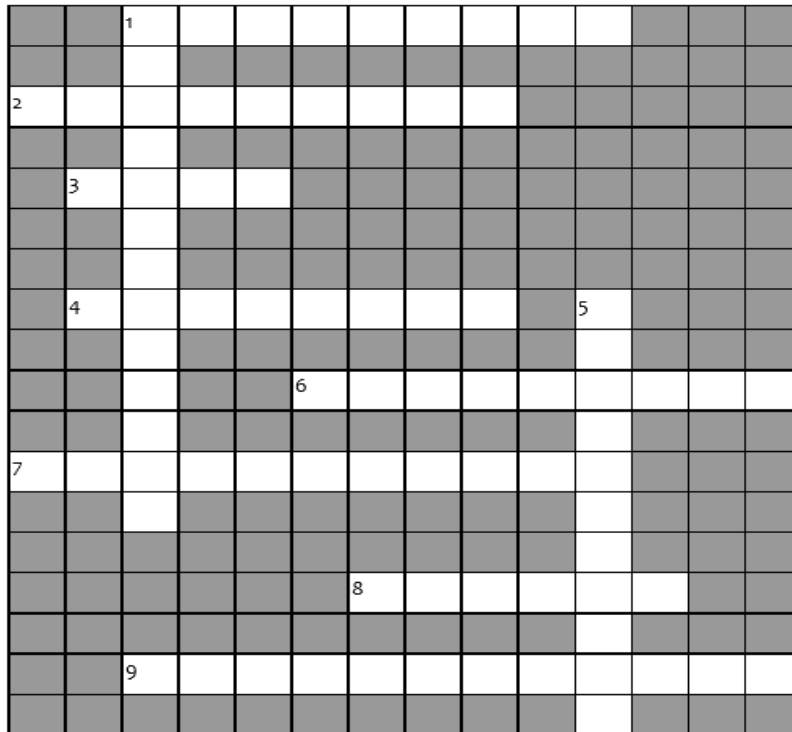
- Be aware of JSO-to-juvenile ration
- Ratios required on and off the premises
- Levels of supervision

C. O. D. E. S.

Acronym which explains key duties of a JSO and how they relate to the law.

ACTIVITY | WHAT'S THE WORD?

Instructions – Individually, take a few minutes to complete the crossword puzzle. Each clue has an answer, with space provided in the puzzle, with the corresponding number and direction. Answers will be shared with the large group when everyone is finished.



ACROSS

1. Must be completed before including documents in a case file or submitting court reports
2. Type of court providing juvenile courts with shared authority to preside over human trafficking cases
3. Remaining in this state, particularly during court, allows juvenile justice professionals to take their time when answering emotionally charged questions
4. Document describing an alleged offense and the reason for prosecution
6. Type of hearing to determine if a juvenile will be released

7. Less serious crime, like criminal mischief or shoplifting
8. Serious offense, such as sexual assault or murder, carrying hefty penalties
9. Testing positive for marijuana multiple times may result in this hearing

DOWN

1. Necessary when determining whether there is enough information to support an alleged crime
5. Type of commitment with a mandatory 10-40 year sentence

SECTION III - ACTIVITY | FACTS OF LAW

Instructions: Individually or in groups, read the case study and answer the related questions. Be prepared to share your answers with the large group.

| JPO CASE STUDIES

Case Study 1 – Manny | The Facts

Manny, age 17, and two other gang members, in a retaliation attack allegedly assaulted a family of three in their neighborhood. There were three victims, one of whom was six months pregnant. According to the police report, the pregnant woman was repeatedly hit in the stomach with a baseball bat, by one of Manny’s accomplices. The remaining two victims were stabbed. Manny is being held in juvenile detention on three counts of attempted murder.

This is Manny’s second violent felony offense; at 14-years-old he was adjudicated on a charge of assault on a public servant and ordered on probation for 18 months. He has had trouble abiding by the court ordered conditions and has had two modification hearings. Manny grew up in a rough neighborhood and is a known gang member. He began associating with gang members when he was in elementary school, around the time his mother died and his father was released from prison. Manny is enrolled in counseling services and is currently on an intense supervision program; however, he is usually not at home when the counselor arrives. If Manny is tried as an adult, he could face years in prison.

Will Manny’s case be referred to juvenile or adult criminal court?

Given the seriousness of the charges, if Manny was 16-years-old, what kind of petition may the prosecutor file? What if Manny was 13-years-old?

Based on the information provided, do you think Manny may be rehabilitated? Why or Why not?

Recommendations for Manny should include:

- Granted another term on probation? Conditions? Determinate or indeterminate sentence? Conditions?
- A term of probation outside the home? Conditions? Certified and transferred to the adult system?

Case Study 2 – Shawn | The Facts

Shawn, a 16-year old male attacked his mother’s boyfriend while he slept on Christmas night, stabbing him in the arms, head, and neck with a knife. According to the police report, there was no explanation for the attack and Shawn claims he has no knowledge of attacking the boyfriend. A psychologist determined the attack stemmed from "an altered state of consciousness," likely from a disturbance in his sleep pattern and concluded Shawn may have been sleep walking. Shawn is already on probation for a robbery charge for stealing a bike from an 11-year-old girl and threatening her with a knife. Shawn reported his drinking has increased and recently he tested positive for marijuana. He was also just expelled from school for being in possession of a controlled substance and sent to the Juvenile Justice Alternative Education Program.

Shawn’s home life is chaotic. His mother has a drinking problem and allows Shawn to drink in the home, as early as age six. This was reported to Child Protective Services, which implemented a safety plan with the family at the time. Shawn’s father is often out of town due to a job as a truck driver and does not have a significant impact on Shawn’s life.

Shawn is being charged with attempted murder; however, the judge postponed the case in order for Shawn to undergo an evaluation to identify appropriate placements for him. Since Shawn was taken into custody on Christmas night, the court is closed over the weekend and will not open again until Tuesday.

When must Shawn have an initial detention hearing?

If Shawn is diagnosed with a mental illness, what may happen with his case?

Based on the information provided, do you think Shawn may be rehabilitated? Why or Why not?

Recommendations for Shawn should include:

- Granted another term on probation? Conditions? Determinate or indeterminate sentence? Conditions?
- A term of probation outside the home? Conditions? Certified and transferred to the adult system?

Case Study 3 – Lauren | The Facts

Lauren a 13-year-old girl was recently adjudicated in truancy court for frequent unexcused absences from school. The juvenile probation department received her case from the truancy court as a non-arrest contempt of court referral. Lauren and her mother were ordered to pay court costs and because they were not paid, the court transferred the case to the probation department. Lauren was recently taken into custody for shoplifting a \$150 ring. After contacting Lauren’s school; the JPO found she had not been attending school regularly for the last four months. Lauren was given a drug test when she was processed at the intake unit and was clean, however, she has been associating with peers her mother does not approve of, many of them older and known drug users.

Along with her mother, Lauren lives with her two younger siblings. On several evenings during the week, Lauren is expected to watch her two and four-year-old brothers while her mom is working. Lauren does watch her brothers, but usually invites her older group of friends over to the house, where they are usually drinking and doing drugs. The police have been called to the home several times, and a Child Protective Services case is pending investigation.

What offense did Lauren allegedly commit? Since the offense is classified as a Class B misdemeanor, how will it be filed by the prosecutor?

What type of juvenile offense is truant conduct?

Based on the information provided, do you think Lauren may be rehabilitated? Why or Why not?

Recommendations for Lauren should include:

- | | |
|---|--|
| Granted another term on probation? Conditions? | Determinate or indeterminate sentence? Conditions? |
| A term of probation outside the home? Conditions? | Certified and transferred to the adult system? |

| JSO CASE STUDIES

Case Study 1 – Deluca | The Facts

Deluca, a 15-year-old girl has a felony adjudication on her record, related to theft. Now, she is on misdemeanor probation and is currently housed at juvenile detention, awaiting her court date for a new offense of theft \$1,500-\$20,000. Despite receiving multiple rehabilitative services since she was 12-years-old, Deluca continues to engage in delinquent conduct. When being held at the juvenile detention center, Deluca has minimal behavioral problems and follows the rules.

Since being in juvenile detention, Deluca attempted suicide by tying a sheet around the toilet in her room and then around her neck. The JSO responsible for room checks found Deluca and immediately called for help. Upon further investigation, there were no room checks logged on the room check sheet, although the JSO reported to have made note of the checks on a piece of paper, which she was going to use to log the times at the end of her shift. Further, when the JSO requested assistance, she left the door to the housing unit open and three juveniles walked out and were later found in the cafeteria. During the investigation, the JSO noted she had noticed Deluca seemed sad over the last few days and hadn't been eating, but chalked it up to her just being in detention. She did not report this in her daily reports since she was going to be working on Deluca's housing unit for the rest of the week and could monitor Deluca's behavior herself.

Did the JSO have a duty to ensure the safety and well-being of juveniles in her care? Why or why not?

What should the JSO have done in this situation?

What behaviors did Deluca display which jeopardized the safety and well-being of other juveniles and should have been reported?

Case Study 2 – Josie | The Facts

Josie, a 13-year-old girl is currently on probation for possession of marijuana. She was recently detained on a charge of assault with serious bodily injury, and at the time was intoxicated and under the influence of marijuana.

After a visit from her mother, Josie learned her grandmother, whom she was close to, passed away. The death was sudden and unexpected and Josie did not take the news well. She was transported back to the housing unit and during free time, Josie punched another juvenile in the face and a fight ensued. The JSO in charge and a newly employed JSO, assigned to the unit for observation, broke up the fight. The JSO in charge told her new coworker of Josie’s grandmother’s death and said she was going to give her a pass and not write up the incident. The JSO said losing a relative is hard and it is easy to take out anger on someone else.

Did the JSO in charge fail to ensure the safety and well-being of juveniles? Why or why not?

What should the JSO in charge and the newly hired JSO have done in this situation?

Why must the information about Josie and her grandmother’s passing be reported to the next shift?

Case Study 3 – Oliver | The Facts

Oliver, a 12-year-old is currently on probation for possession of marijuana (misdemeanor) and was recently taken into custody for possession of marijuana and a controlled substance (felony offense).

After Oliver’s initial detention hearing, in which he was detained, he was placed on a housing unit and begins talking with the JSO in charge. Oliver began bragging about his gang activity and told the JSO he was “the big man in charge.” The JSO listened to Oliver and came to the conclusion he was a wannabe and was only saying he was a gang member so he could fit in with the other juveniles. Later, the JSO overheard Oliver talking to another juvenile about joining his gang, and thought nothing of it. He figured it was just talk. A few days later, Oliver and three other juveniles jumped another juvenile, as part of the initiation to join the gang. The juvenile sustained a broken nose during the altercation.

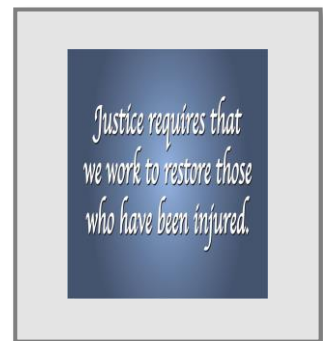
Did the JSO have a duty to ensure the safety and well-being of juveniles? Why or why not?

What should the JSO have done in this situation?

How should the JSO have responded when Oliver talked to him about being involved with gang activity?

FINAL THOUGHTS

- As a juvenile justice professional, an understanding of the law is critical to the job you do.
- You play a key role in juvenile law proceedings and must be prepared when making recommendations on behalf of juveniles.
- Decisions you make will directly affect a juvenile’s rehabilitation and success during their supervision term.



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APPENDIX

| Contact Information

- Texas Juvenile Justice Department
 - www.tjjd.texas.gov

- TJJJ Legal Help Desk
 - legalhelp@tjjd.texas.gov

- Juvenile Law Section, State Bar of Texas
 - www.juvenilelaw.org

- Texas Attorney General | 2016 Juvenile Justice Handbook
 - https://www.texasattorneygeneral.gov/files/cj/juvenile_justice.pdf

- Texas Department of Family and Protective Services | Juvenile Justice Resource Guide
 - http://www.dfps.state.tx.us/handbooks/CPS/Resource_Guides/Juvenile_Justice_Resource_Guide.pdf

- Texas Young Lawyers Association | The Texas Juvenile Justice System: What You Need to Know
 - <http://www.tyla.org/tyla/assets/File/JuvenileJusticeSystemLawGuideCover14P5WEB.pdf>