

The image features a composite background. On the left, the Texas state flag is shown waving. On the right, the exterior of the Texas State Capitol dome is visible, with its ornate architecture and a golden statue on top. The central part of the image is dominated by a red rectangular box containing white text.

The Sunset Bill Senate Bill 653



Historical Review

The Juvenile Justice Trilogy

- 2007 – 80th Texas Legislature
– *The Perfect Storm*
- 2009 – 81st Texas Legislature
– *The Sunset After the Storm*
- 2011 – 82nd Texas Legislature
– *A New Day: Reformation and Rebuilding*



The Juvenile Justice Trilogy

- 2007 – 80th Texas Legislature
 - *The Perfect Storm*
 - TYC scandal at West Texas state school leads to massive statutory reforms
 - TYC in conservatorship during extensive investigations. New agency management.
 - Senate Bill 103 mandated significant reforms.
 - New funding for community based programs.



The Juvenile Justice Trilogy

- 2009 – 81st Texas Legislature
 - *The Sunset After the Storm*
 - Sunset recommends consolidation of TYC and TJPC but legislature opts for continued statutory reforms short of consolidation
 - HB 3689 continued the TYC reforms and required collaboration and cooperation between TYC and TJPC. Additional funding for JPDs.



The Juvenile Justice Trilogy

- 2011 – 82nd Texas Legislature
 - *A New Day – Reformation and Rebuilding*
 - Sunset Staff recommends separate agencies with continued collaboration between TYC and TJPC. No consolidation recommended.
 - Sunset Commission unanimously votes to abolish TYC and TJPC and create the new Texas Juvenile Justice Department (TJJD).



Opportunity...Really?



Shotgun Wedding?



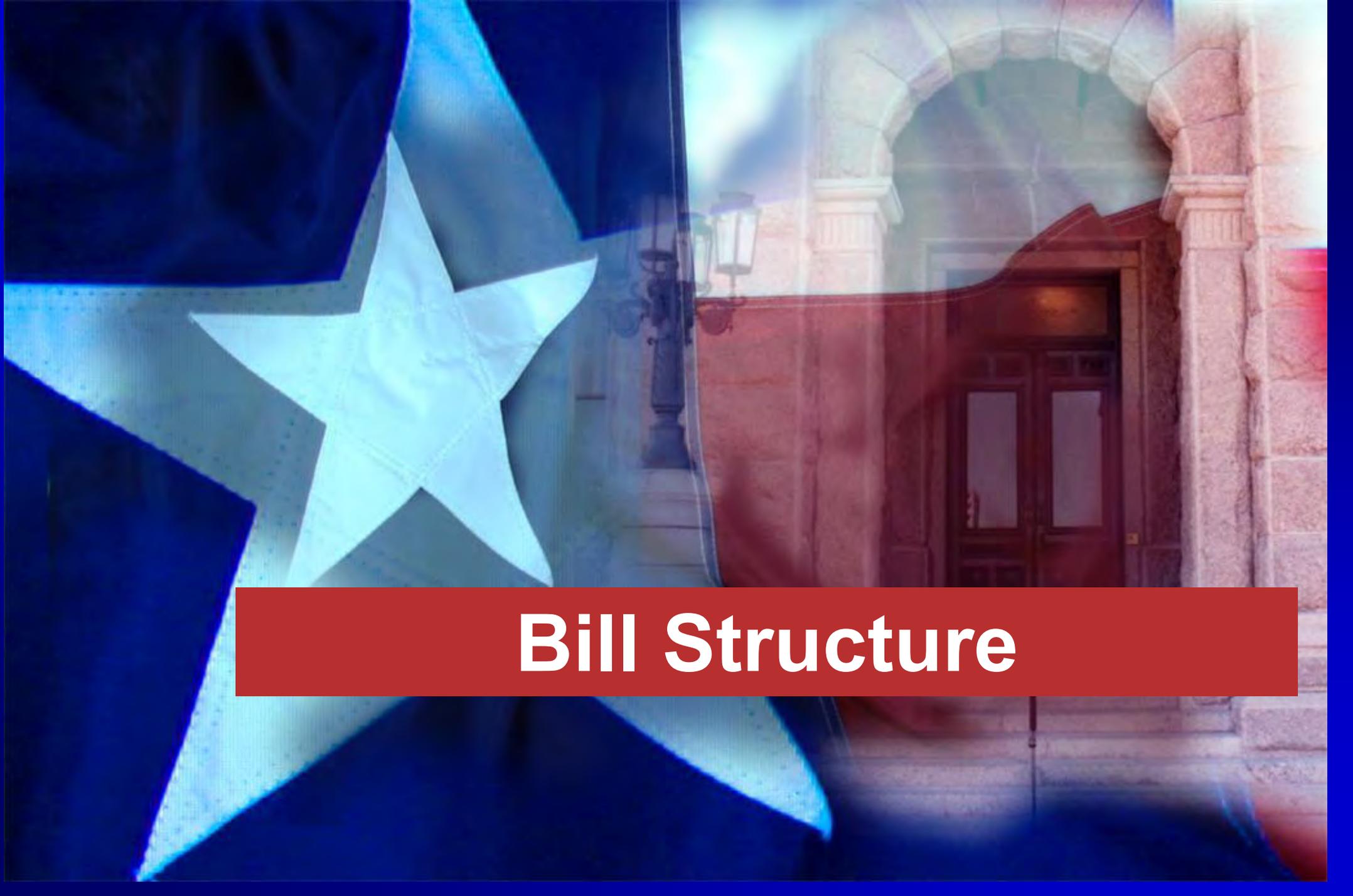
Yes...Opportunity.



We are all faced with a series of great opportunities brilliantly disguised as impossible situations.

Charles R. Swindoll



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Bill Structure

Authors

- Senator John Whitmire
 - Senate Author
- Representative Jerry Madden
 - House Author of companion bill
House Bill 1915



Structure of SB 653

- Bill organized into 3 Articles (205 Pages):
 - Article 1. Texas Juvenile Justice Department; Texas Youth Commission and Texas Juvenile Probation Commission (180 pages)
 - Article 2. Miscellaneous Provisions (5 pages)
 - Article 3. Conforming Amendments (20 pages)
- Effective Date of September 1, 2011.



Structure of SB 653

- Creates new Title 12 in the Texas Human Resources Code.
- 4 Subtitles in bill that consolidate the enabling legislation of the TJPC, TYC and the Independent Ombudsman.



Structure of SB 653

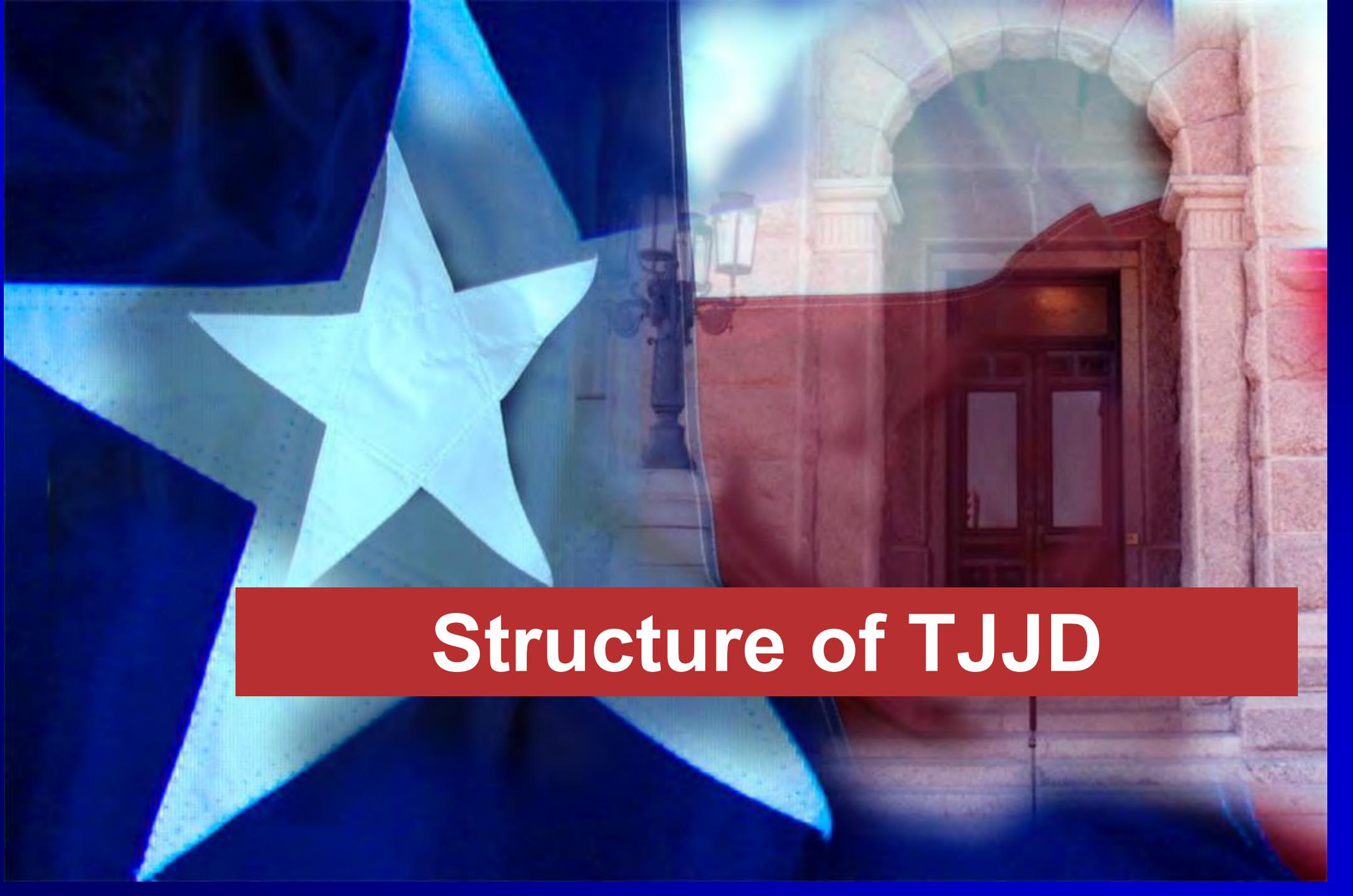
- **Subtitle A.** Texas Juvenile Justice Board and Texas Juvenile Justice Department
- **Subtitle B.** Probation Services; Probation Facilities
- **Subtitle C.** Secure Facilities
- **Subtitle D.** Independent Ombudsman



Today's Overview

- Will focus primarily on:
 - New goals and purposes of the new agency
 - New agency structure and governance
 - New amendments to the former enabling legislation of either TJPC or TYC
- Will not focus on former law of either agency that did not change but was simply recodified into new Title 12.



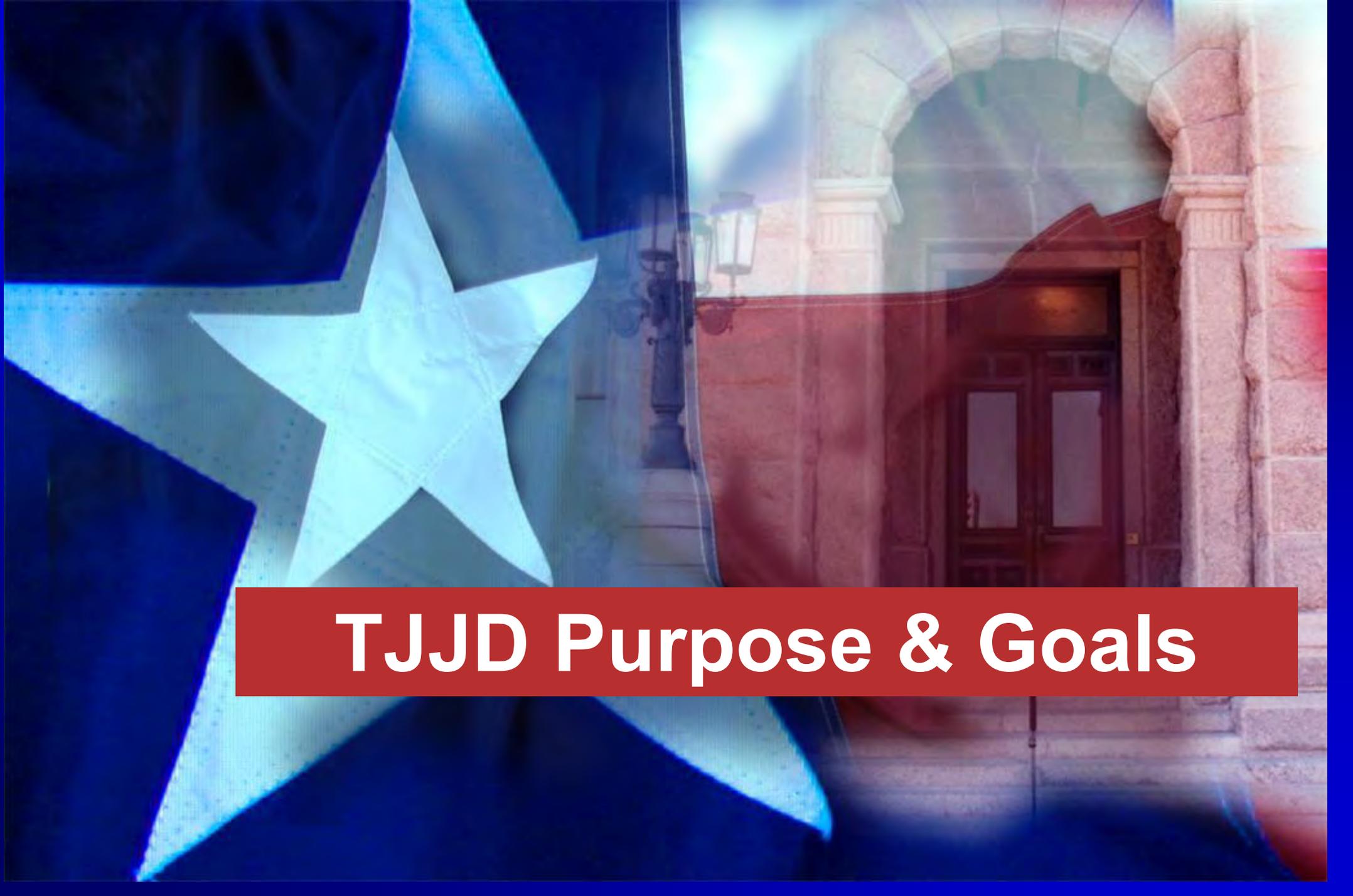
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Structure of TJJD

Structure

- Abolishes the Texas Youth Commission and the Texas Juvenile Probation Commission and transfers the powers and duties of both agencies to the newly created Texas Juvenile Justice Department (TJJD) effective December 1, 2011.



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TJJD Purpose & Goals

Purposes and Interpretation

- Key concepts in place:
 - Unified state juvenile justice agency that works in partnership with local governments to promote public safety and effective services throughout the system continuum.
 - System that produces positive outcomes for youth, families and communities.



Department Goals

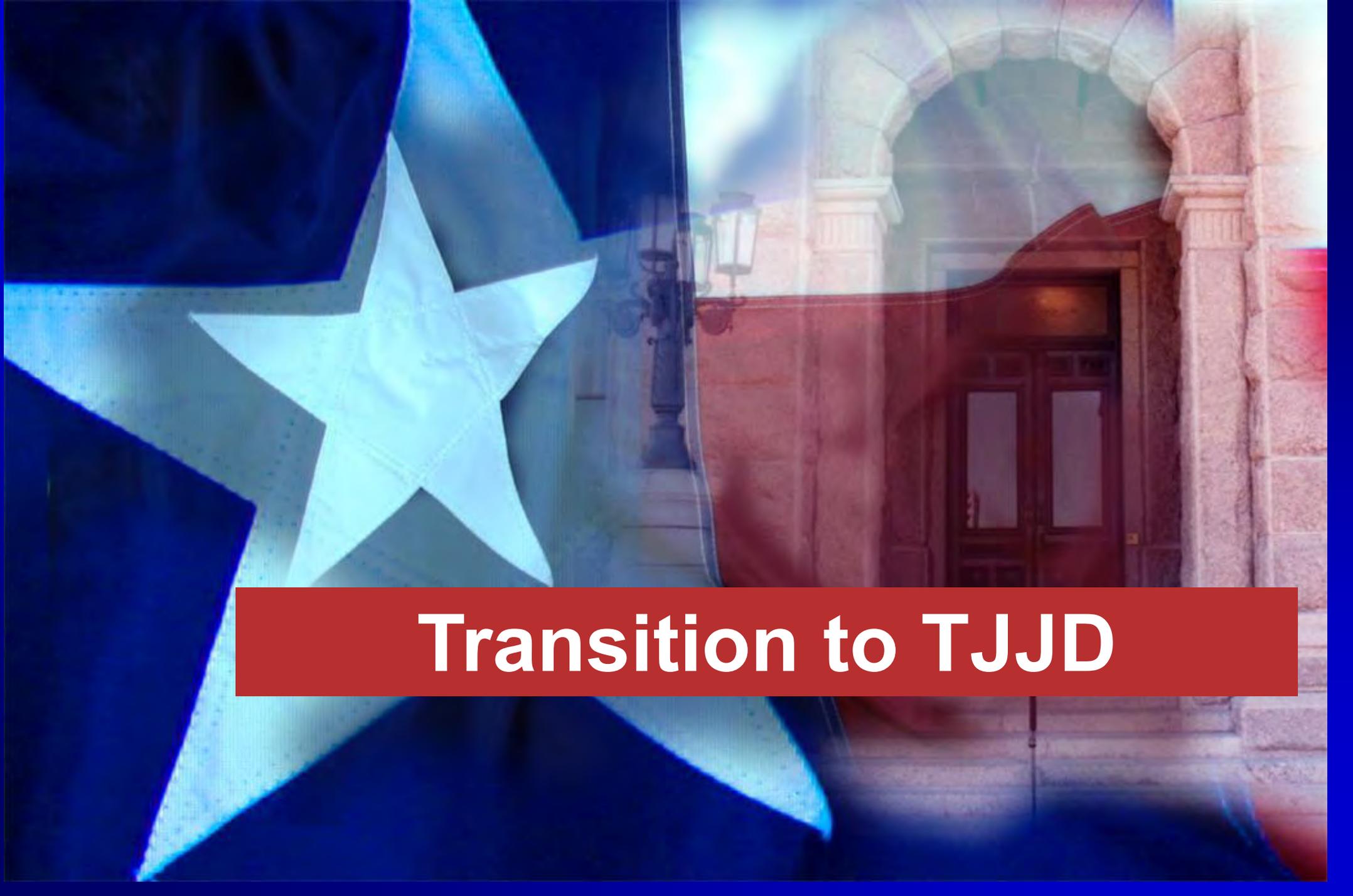
- Key concepts in place:
 - County based programs and services that serve offenders close to home if possible.
 - Increase reliance on alternatives to placement and commitment of youth where possible.
 - Community based approach to youth corrections.



Funding Priorities

- The new agency and board are mandated to set funding priorities for services that support a community-based approach to rehabilitation of youth in local communities where possible. Funding priorities cannot provide any incentives to incarcerate youth.





Transition to TJJD

Creation of Transition Team

- Creates seven (7) member transition team appointed by the Governor.
- Composed of representatives from the following offices: TJPC, TYC, Governor, Lieutenant Governor, and Speaker of the House.
- One member who is an advocate of youth, families and/or victims.
- One member who has experience with organizational mergers.



Appointed Transition Team

- On September 1, 2011, Governor Perry appointed the Transition Team:
 - Chelsea Buckholts, Governor's Office
 - Albert Hawkins, Austin, TX public policy consultant
 - Rep. Ruth McClendon of San Antonio
 - David "Scott" Matthew, CJPO Williamson County
 - Vicki Spriggs, ED of TJPC
 - Cherie Townsend, ED of TYC
 - Debbie Unruh, Independent Ombudsman of TYC



Powers and Duties of Transition Team

- Coordinate and oversee the transition of services and facilities to TJJD.
- Assist TJJD and advise the TJJD board in implementing the transition of services and facilities to TJJD.
- Prepare transition plan that shall include transition goals for TJJC and may include benchmarks and timelines as appropriate.



Transition Timeline

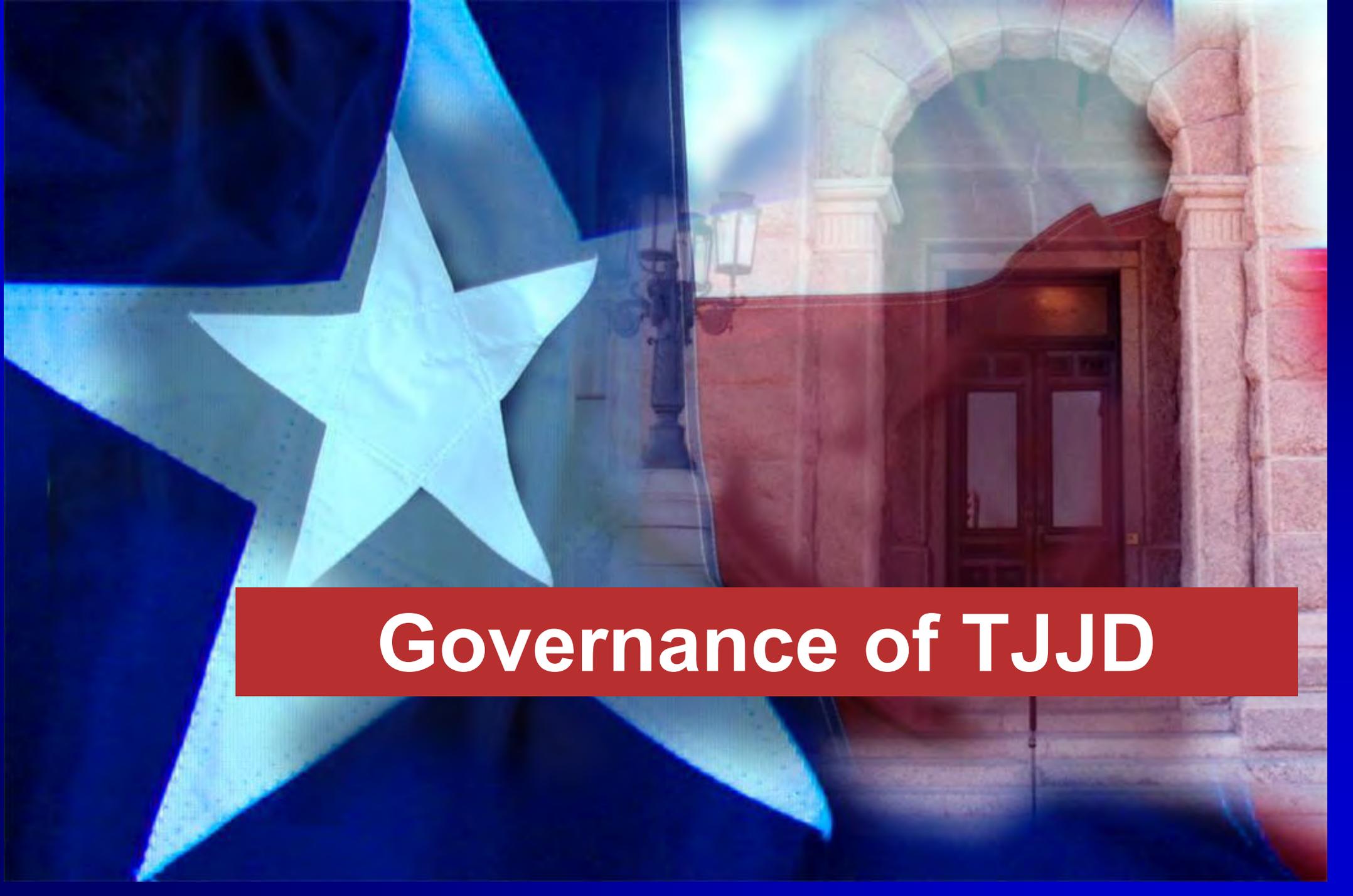
- Transition team to be appointed as soon as possible after September 1, 2011 and not later than October 1, 2011.
- After September 1, 2011 and before December 1, 2011, the transition team shall oversee the transition of services and facilities from TYC and TJPC to TJJD.



Transition Timeline

- After November 30, 2011 and before March 1, 2012, the transition team shall
 - Assist TJJD and the TJJD Board in implementing the transition of services and facilities from TJPC and TYC to TJJD; and
 - Prepare and submit to the TJJD a transition plan
- Transition Team dissolved March 1, 2012.



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Governance of TJJJ

Governing Board

- Creates 13 member governing board :
 - 1 district court judge in a designated juvenile court
 - 3 members who are members of a county commissioners court
 - 1 juvenile court prosecutor
 - 3 chief juvenile probation officers (representing small, medium and large counties)
 - 1 adolescent mental health treatment professional
 - 1 educator
 - 3 members of the general public



Board Membership

- Members serve staggered six-year terms with 4-5 of the members expiring on February 1 of each odd-numbered year
- Governor appoints board presiding officer
- Judge, members of commissioners courts, prosecutor and chief juvenile probation officers cannot be from same county or judicial district.



Mission of TJJD

- Board shall establish mission of department with the goal of establishing a cost-effective continuum of youth services that emphasize keeping juveniles in their home communities while maintaining the interests of rehabilitation and public safety. Board shall establish funding priorities that support mission and do not provide incentives to incarcerate youth.



Duties of Board

- The Board shall employ an executive director to administer the department.
- The Board shall supervise the director's administration of the department.



Duties of Board

- The Board has the responsibility for reviewing and approving rules appropriate to the proper accomplishment of the department's functions.
- The Board may delegate to the ED the Board's responsibility for the adoption of certain policies as appropriate for the proper accomplishment of the department's functions relating to state operated facilities and the department's personnel.



Duties of Board

- The board shall develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publically available online, and use those measures in determining funding levels for programs and services.



Sunset

- Texas Juvenile Justice Board, the Texas Juvenile Justice Department and the Office of the Independent Ombudsman are subject to the Texas Sunset Act.
- New sunset date of September 1, 2017.



Timelines

- Not later than December 1, 2011, the governor shall appoint the initial members of the Texas Juvenile Justice Board.
- The governor shall appoint:
 - 4 members whose terms expire February 1, 2013
 - 4 members whose terms expire February 1, 2015
 - 5 members whose terms expire February 1, 2017



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Advisory Council

Advisory Council

- Creates 13 member advisory council on juvenile services that consists of:
 - Executive Director of TJJD or designee
 - Director of probation services of the department or the director's designee
 - Executive Commissioner of HHSC or designee
 - One representative of the county commissioners court appointed by the board
 - Two juvenile court judges appointed by the board
 - Seven chief juvenile probation officers appointed by the board



Advisory Council Appointments

- Board appoints one chief juvenile probation officer from each regional chiefs association from list of nominees submitted by each regional chiefs association.
- Lists submitted by regional chief's associations shall include representation from small, medium and large counties.



Advisory Council Terms

- Advisory council members serve staggered two-year terms, with one-half of the members expiring on February 1 of each year.
- At the first advisory council meeting, the members shall draw lots to determine the length of each member's initial term and which members' terms expire each year.



Advisory Council Duties

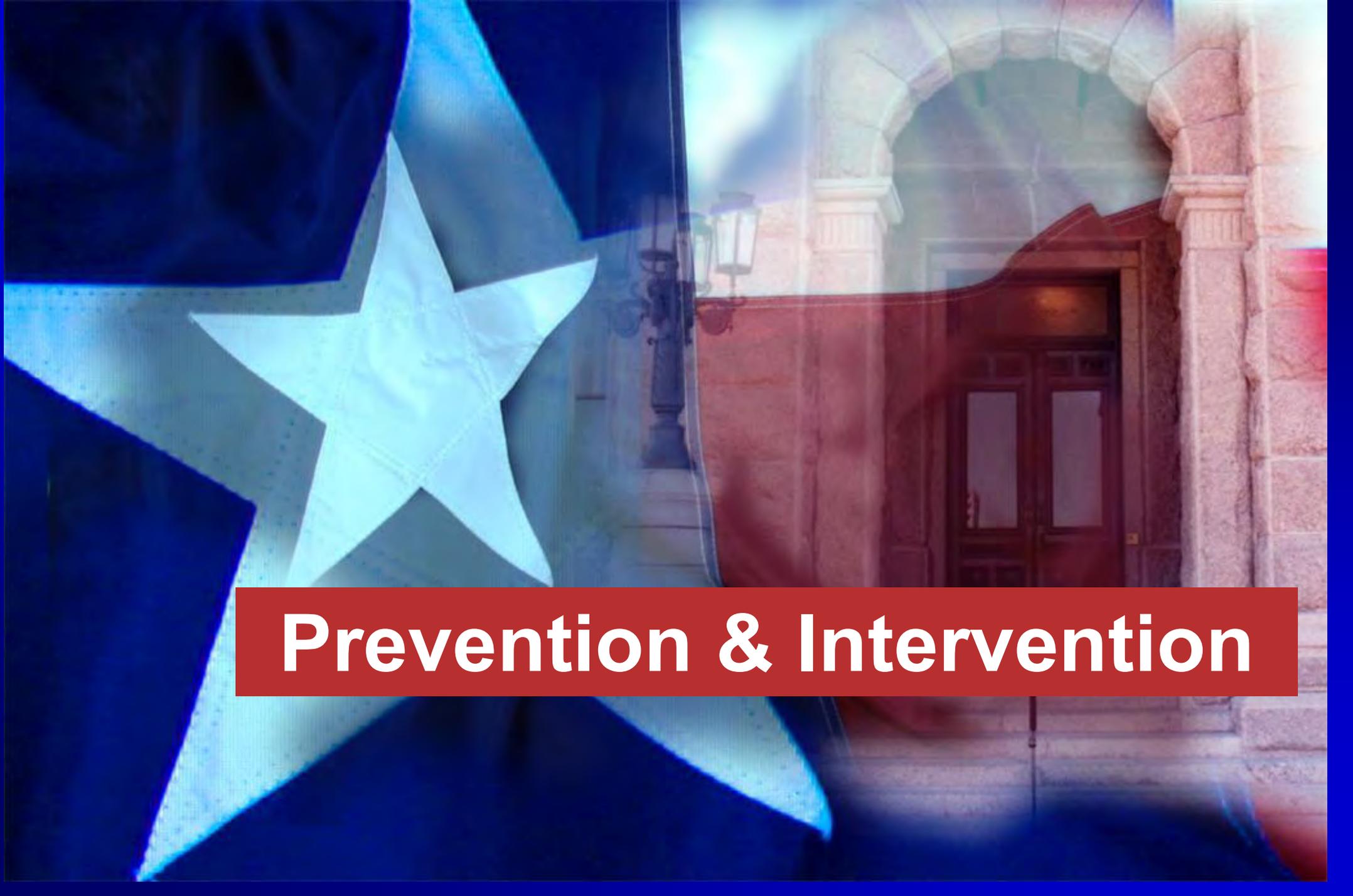
- The advisory council shall assist the department in:
 - Determining needs and problems;
 - Reviewing and proposing revisions to existing or newly proposed standards;
 - Analyzing the potential cost impact of new standards; and
 - Advising the board on any other matter on request of the board.



Advisory Council Timelines

- Initial members of Advisory Council on Juvenile Services shall be appointed not later than December 1, 2011.





Prevention & Intervention

Prevention and Intervention

- The department shall provide prevention and intervention services for at-risk youth age 6-17 that are subject to compulsory school attendance or under juvenile court jurisdiction.



Prevention and Intervention

- “Prevention and Intervention Services” defined as programs and services intended to prevent or intervene in at-risk behaviors and lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.



Prevention and Intervention

- The prevention and intervention services must:
 - Consolidate prevention and intervention services within TJJD to avoid fragmentation and duplication of programs and services; and
 - Increase accountability for the delivery and administration of the programs and services.



Prevention and Intervention

- TJJD, shall, to extent funds available:
 - Plan, develop and administer a comprehensive and unified statewide delivery system for prevention and intervention services
 - Improve efficiency and responsiveness by facilitating greater coordination and flexibility in the use of funds
 - Fund evidence based or research based programs



Prevention and Intervention

- TJJD, shall, to extent funds available:
 - Provide accountability for the provision of services by adopting outcome measure
 - Assist local communities in the coordination and development of services to maximize funding
 - Provide funding through a competitive process to variety of entities.



Prevention and Intervention

- The department shall plan, develop and administer a comprehensive and unified statewide delivery system for prevention and intervention services.
- The department may subcontract this function to a qualified independent services provider that has demonstrated experience.





Abuse & Neglect

Abuse, Neglect and Exploitation Data

- Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by law to be reported to TJJD or local juvenile boards, shall be provided to the Office of the Independent Ombudsman.



Toll-Free ANE Reporting Hotline

- The department must establish a toll free number for the reporting of abuse, neglect or exploitation in state and county facilities.
- Toll free number must be prominently displayed in all state and county facilities.



Toll-Free ANE Reporting Hotline

- Children in state or county custody and employees of the state or county facility shall have confidential access to telephones for purpose of calling the toll-free number.
- The department must provide staff to answer calls 24 hours a day, every day.



Toll-Free ANE Reporting Hotline

- TJJJD shall share the complaints received on the toll-free number with:
 - Office of Inspector General
 - Office of the Independent Ombudsman





Ombudsman Office

Independent Ombudsman (OIO)

- OIO remains independent state agency.
- OIO appointed by governor.
- Statutory authority remains much the same with a few notable additions.
- Investigation authority limited to state operated programs and facilities.



Independent Ombudsman (OIO)

- Powers of office limited to facilities operated and services provided by TJJD.
- However...New Section 203.0105 requires all ANE data of local juvenile probation departments be provided to the OIO.
- OIO authority limited to review of data and referral of incidents to proper authorities.



Independent Ombudsman

- Review reports received by TJJD relating to complaints regarding juvenile probation programs, services or facilities.
- Analyze data in the reports to identify trends in complaints.
- Report possible standards violations by a local juvenile probation department to the appropriate division of TJJD.





Inspector General

Office of Inspector General (OIG)

- OIG reports directly to the TJJJ board in addition to the executive director and other entities.
- Retains jurisdiction to investigate crimes in state-run facilities or those committed by TJJJ employees.



Office of Inspector General (OIG)

- OIG will screen all ANE allegations and complaints coming to TJJD and refer to local law enforcement any possible criminal complaints arising in county-operated programs.
- ANE will be investigated by TJJD much the same as TJPC has done. Same rules will apply to local probation departments.



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State Facility Operations

Facility Closures

- SB 653 did not require facility closures but budget cuts did necessitate the closure of 3 state-operated facilities. On June 3, the TYC Board to announced plans to close:
 - Al Price State Juvenile Correctional Facility in Beaumont,
 - Crockett State School in Crockett
 - Ron Jackson State Juvenile Correctional Complex Unit II in Brownwood.



Zero Tolerance Policy

- TYC was previously required to adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of TYC.
- TJJD must now **ENFORCE** this policy.



Initial Examination of Child

- TJJD required to conduct an initial exam of each child committed **within 3 business days** of the youth's commitment to identify the treatment needs.
- Treatment needs to be assessed: medical, substance abuse, treatment history, psychiatric history, sex offender history and violent offense history.



Treatment Planning

- An individualized, written treatment plan for the youth must be developed ASAP.
- Treatment plan must make recommendations for meeting child's specialized treatment needs.
- Treatment plan must contain individually tailored statement of treatment goals, objectives and timelines.



Reentry and Reintegration

- TJJD to still provide parole services as per former law.
- TJJD may employ parole officers directly or contract with local juvenile probation departments as did TYC.



Reentry and Reintegration

- Requires TJJD to do plan for youth designed to ensure the child receives an extensive continuity of care in services from commitment through final discharge.



Reentry and Reintegration

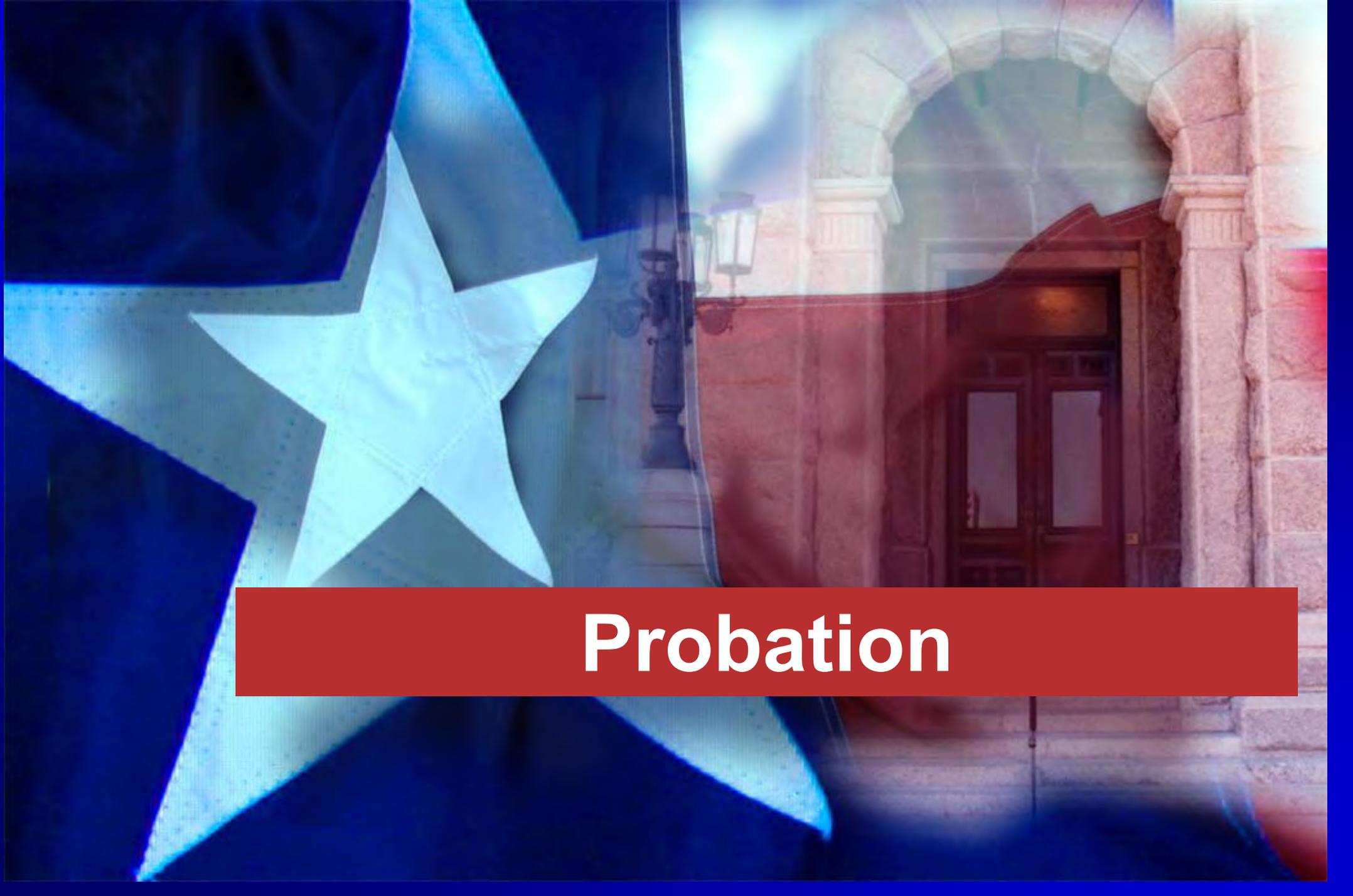
- Plan must include (as applicable):
 - housing assistance;
 - step down program;
 - family counseling;
 - academic and vocational mentoring;
 - trauma counseling if youth was abused in custody; and
 - other specialized treatment services.



ACA Accreditation

- In 2007, TYC was required to begin the process of receiving accreditation by the American Correctional Association for all state facilities.
- SB 653 removes this requirement making accreditation discretionary for TJJD.





Probation

Educational Services

- TJJD required to encourage compliance with educational service standards and rights prescribed by state and federal law:
 - Facilitate interagency coordination and collaboration among JPDs, school districts and TEA;
 - Develop and support plan to ensure continuity of educational services to juvenile offenders, including special education services.



Charter Schools

- Authorizes the State Board of Education to grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under the Family Code.
- JPD must provide all legally mandated educational services, including special education services if operating a charter.



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Closed TYC Facilities

Closed TYC Facilities

- TJJD may transfer a closed facility to the county or municipality where facility located if the facility will be used for a purpose that benefits the public interest of the state.
- If not used for public purpose, property ownership reverts back to TJJD
- Applies only in counties with population of less than 100,000.



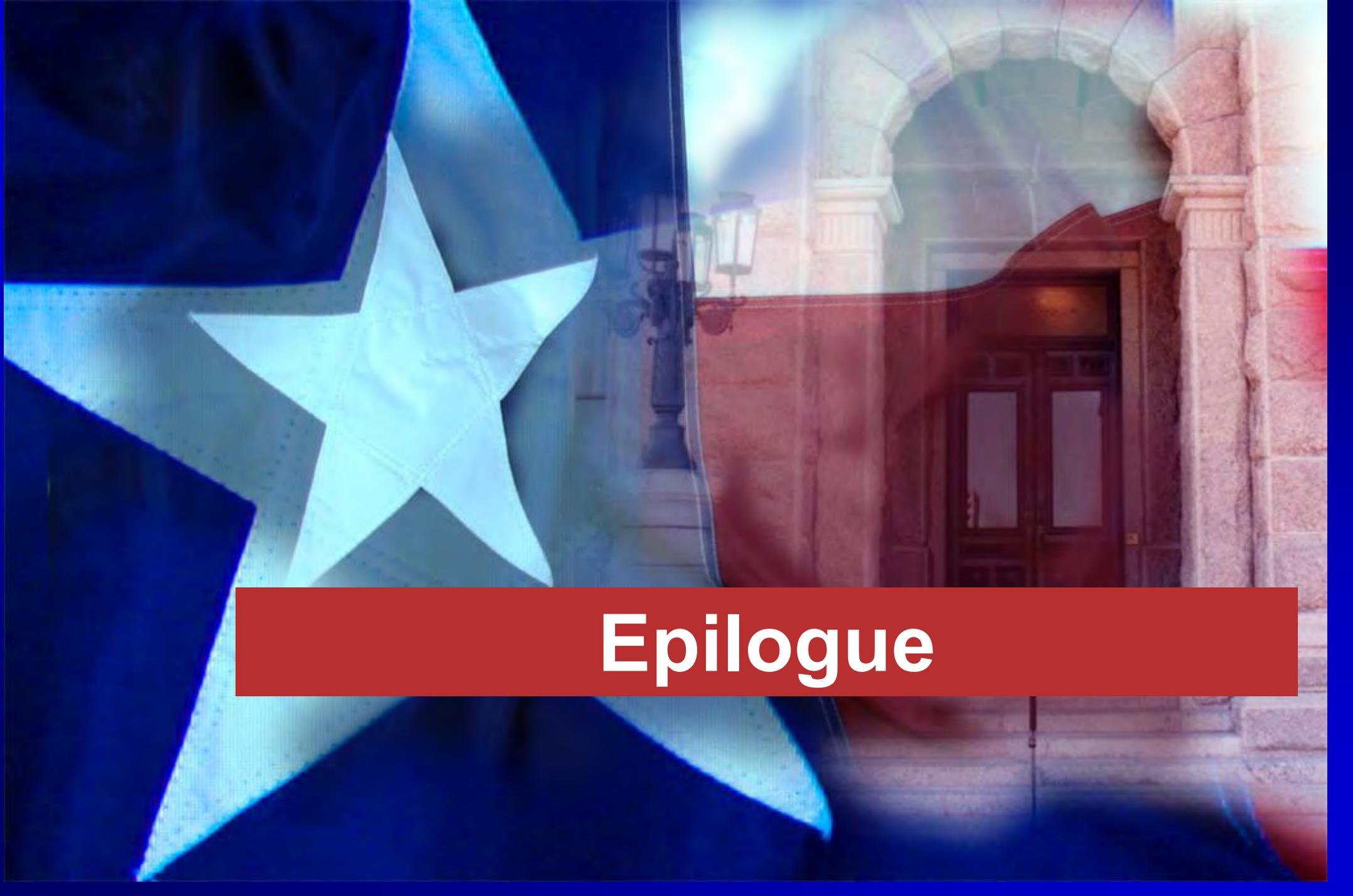
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Appeals

Appeals

- A juvenile probation department may appeal a decision of the executive director to the board.
- Appeals may include decisions relating to standards affecting juvenile probation programs, services, or facilities. The board's decision is final.





Epilogue

Major Events Forthcoming

- Appointment of new TJJD Board
- Appointment of Transition Team ✓
- Appointment of Executive Director of TJJD
- Appointment of Advisory Council
- Construction of TJJD consolidated agency budget by legislative leadership
- Transition...rebuilding and moving forward.



The Road Before Us



Texas Juvenile Justice Dept.



At the end of the day government is about teamwork and partnership and we will be proving that by working together.

Julia Gillard





Lisa A. Capers

**Deputy Executive Director & General Counsel
Texas Juvenile Probation Commission**

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