Typical Pathway to TJJD for Justice-Involved Youth with Off-Ramps

Law enforcement interaction with child for potential delinquent conduct or conduct indicating a need for supervision.

- No action taken because no probable cause.
- **Warning notice** can be given if approved by juvenile board.

Law enforcement takes child into custody. Child entitled to have parent/guardian and attorney present and to speak privately with them. Child's statement admissible only if magistrate to give notices and determine statement knowingly and voluntarily given.

- **Warning** can be issued and youth is released.
- **Informal Disposition** without referral to court for Class C misdemeanor if authorized by juvenile board. Written report made, but no further legal action taken.
- **First Offender Program** operated by law enforcement and approved by juvenile board (eligible offenses only). If not successful, referred to juvenile court.

Law enforcement refers child juvenile to juvenile court by taking to detention or by paper referral. If taken to detention, intake procedures must verify juvenile status and probable cause, determine if child should be detained or if case can be disposed of informally. Child must be released unless found likely to not appear at hearing, lacks supervision, no responsible adult will bring to hearing, poses danger to self or public, or has prior adjudication and likely to reoffend.

- **Supervisory caution issued.** Child and parents informed of potential consequences of subsequent referral; may be referred for services or given information about available services.
- **Deferred Prosecution** – Child, parent, and juvenile probation or prosecutor agree to conditions for no more than 6 months. Case dismissed if successful. If not successful, referred for prosecution.

Prosecutor reviews and determines whether to file a petition. Can file regular petition, determinate sentence petition, or petition to certify and transfer to adult court, depending on age and offense

Pre-adjudication issues include petition to certify and transfer to adult court, evidence suppression, and mental health or IDD issues, including fitness to proceed.

- **Transfer to adult court** - depends on age, offense, and other factors. Court must find probable cause and that, because of seriousness of offense or background of child, the welfare of the community requires transfer.
- Court ordered deferred prosecution

Adjudication Hearing – Equivalent of adult trial. Can be before a jury. Child pleads "true" or "not true" to charges. Plea is accepted or not. Evidence is presented. Standard of proof is beyond a reasonable doubt.

Disposition hearing – Equivalent to "sentencing" in adult court. No disposition may be made unless court finds child is in need of rehabilitation or protection of public requires disposition be made. Right to a jury for determinate sentence cases only.

- **Regular Probation** - For a set period of time. Probation violations can result in extension of probation or commitment to TJJD. Probation must end by age 18.
- **Determinate Sentence Probation** - If sentence is less than 10 years, can be probated. Probation can be for up to 10 years. At age 19, child can be discharged from probation or transferred to adult probation. Before age 19, probation violations can result in extension of probation or commitment to TJJD.

TJJD Indeterminate Commitment - Commitment to TJJD up to age 19. TJJD establishes a minimum length of stay of 9-24 months, depending on severity of offense and youth's risk to community. TJJD makes decisions on release and discharge prior to age 19.

TJJD Determinate Sentence Commitment - Youth is committed to TJJD with a sentence up to 40 years, depending on offense level, and must serve a set time in TJJD before being eligible for release on TJJD parole. Unless sentence expires before age 19, youth will be transferred to TDCJ parole or prison. Youth may be transferred to prison as early as age 16, depending on behavior. Prison transfer may be ordered only by juvenile court.