

By: Moody

H.B. No. 4885

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of confidential juvenile records to a managed assigned counsel program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.02, Family Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Managed assigned counsel program" has the meaning assigned by Article 26.047, Code of Criminal Procedure.

SECTION 2. Section 58.004(b), Family Code, is amended to read as follows:

(b) This section does not apply to information that is:

(1) necessary for an agency to provide services to the victim;

(2) necessary for law enforcement purposes;

(3) shared within the statewide juvenile information and case management system established under Subchapter E;

(4) shared with an attorney representing the child in a proceeding under this title; ~~or~~

(5) shared with an attorney representing any other person in a juvenile or criminal court proceeding arising from the same act or conduct for which the child was referred to juvenile court; or

(6) shared with a managed assigned counsel program responsible for appointing an attorney to represent the child in a

1 proceeding under this title to determine indigence or fulfill the
2 program's duties in appointing and overseeing appointed counsel
3 once a request for appointed counsel is made.

4 SECTION 3. Section 58.005(a-1), Family Code, is amended to
5 read as follows:

6 (a-1) Except as provided by Article 15.27, Code of Criminal
7 Procedure, the records and information to which this section
8 applies may be disclosed only to:

9 (1) the professional staff or consultants of the
10 agency or institution;

11 (2) the judge, probation officers, and professional
12 staff or consultants of the juvenile court;

13 (3) an attorney for the child;

14 (4) a governmental agency if the disclosure is
15 required or authorized by law;

16 (5) an individual or entity to whom the child is
17 referred for treatment or services, including assistance in
18 transitioning the child to the community after the child's release
19 or discharge from a juvenile facility;

20 (6) the Texas Department of Criminal Justice and the
21 Texas Juvenile Justice Department for the purpose of maintaining
22 statistical records of recidivism and for diagnosis and
23 classification;

24 (7) a prosecuting attorney;

25 (8) a parent, guardian, or custodian with whom a child
26 will reside after the child's release or discharge from a juvenile
27 facility;

1 (9) a governmental agency or court if the record is
2 necessary for an administrative or legal proceeding and the
3 personally identifiable information about the child is redacted
4 before the record is disclosed; ~~[or]~~

5 (10) with permission from the juvenile court, any
6 other individual, agency, or institution having a legitimate
7 interest in the proceeding or in the work of the court; or

8 (11) a managed assigned counsel program responsible
9 for appointing an attorney to represent the child in a juvenile
10 delinquency proceeding to determine indigence or fulfill the
11 program's duties in appointing and overseeing appointed counsel
12 once a request for appointed counsel is made.

13 SECTION 4. Section 58.007(b), Family Code, is amended to
14 read as follows:

15 (b) Except as provided by Section 54.051(d-1) and by Article
16 15.27, Code of Criminal Procedure, the records, whether physical or
17 electronic, of a juvenile court, a clerk of court, a juvenile
18 probation department, or a prosecuting attorney relating to a child
19 who is a party to a proceeding under this title may be inspected or
20 copied only by:

21 (1) the judge, probation officers, and professional
22 staff or consultants of the juvenile court;

23 (2) a juvenile justice agency as that term is defined
24 by Section 58.101;

25 (3) an attorney representing the child's parent in a
26 proceeding under this title;

27 (4) an attorney representing the child;

1 (5) a prosecuting attorney;

2 (6) an individual or entity to whom the child is
3 referred for treatment or services, including assistance in
4 transitioning the child to the community after the child's release
5 or discharge from a juvenile facility;

6 (7) a public or private agency or institution
7 providing supervision of the child by arrangement of the juvenile
8 court, or having custody of the child under juvenile court order;
9 ~~[or]~~

10 (8) with permission from the juvenile court, any other
11 individual, agency, or institution having a legitimate interest in
12 the proceeding or in the work of the court; or

13 (9) a managed assigned counsel program responsible for
14 appointing an attorney to represent the child in a juvenile
15 delinquency proceeding to determine indigence or fulfill the
16 program's duties in appointing and overseeing appointed counsel
17 once a request for appointed counsel is made.

18 SECTION 5. Sections 58.004, 58.005, and 58.007, Family
19 Code, as amended by this Act, apply to records created before, on,
20 or after the effective date of this Act.

21 SECTION 6. This Act takes effect September 1, 2025.