

BILL ANALYSIS

H.B. 1688
By: Castro
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently in juvenile delinquency practice, there is a degree of uncertainty regarding juvenile post-trial procedures involving motions for new trial. Following the trial of a juvenile delinquency matter, many times the attorney will seek relief by filing a motion for new trial in the trial court. While the Family Code directs that the Texas Rules of Civil Procedure govern proceedings under the Juvenile Justice Code, more often than not, an attorney will file the motion for new trial under Rule 21 of the Texas Rules of Appellate Procedure, which governs a motion for new trial in a criminal case. The trial court is left in the position of ruling on the motion as filed or not ruling on it because it was not filed according to the Rules of Civil Procedure. The rules for motions for new trial as set out under Rule 21 more clearly reflect the kinds of issues to be raised in a juvenile delinquency matter, as the adjudication and disposition are more similar to a criminal trial than to a civil trial.

H.B. 1688 clarifies provisions of the Family Code regarding a motion for new trial in juvenile matters, to include a reference to Rule 21. The bill aims to give practitioners more clarity regarding the timelines, form, and issues to be raised in a motion for new trial in a juvenile delinquency matter, and to make that process in a juvenile delinquency case more efficient for trial courts and juvenile respondents. The bill could result in more expedited resolutions to juvenile delinquency matters.

H.B. 1688 references Rule 21, Texas Rules of Appellate Procedure as the rule that governs a motion for a new trial in a juvenile court.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1688 amends the Family Code to establish that in appealing an order of a juvenile court, a motion for new trial seeking to vacate a juvenile court adjudication is governed by Rule 21 of the Texas Rules of Appellate Procedure, relating to new trials in criminal cases.

EFFECTIVE DATE

September 1, 2009.