

BILL ANALYSIS

Senate Research Center

S.B. 209
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Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to foster the desired interaction between the judge and juvenile case manager and realize the original intention of case managers in performing a problem-solving role.

Although the use of juvenile case managers has grown since their authorization in 2001, and the creation of the juvenile case manager fund in 2005, the legislative intent behind the creation of these case managers has largely been unrealized.

Juvenile case managers are intended to serve as problem solvers by fostering the interaction between defendants and the judge, integrating social services into the disciplinary process, and cooperating with the juvenile, his or her parents, schools, and courts in order to best serve the interest of the juvenile and the community. However, many juvenile case managers have been relegated to the role of a court clerk and collections agent.

The current Texas Code of Criminal Procedure does not require any interaction between the employing judge and the employed juvenile case manager past that of assigning the manager to a juvenile under the court's supervision.

This bill will require the judge of a court that employs a juvenile case manager to consult with the juvenile case manager regarding certain information relevant to juvenile cases.

S.B. 209 amends current law relating to juvenile case managers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 45.056, Code of Criminal Procedure, by amending Subsections (c), (d), and (e) and adding Subsections (f), (g), and (h), as follows:

(c) Authorizes a county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council to employ one or more juvenile case managers, rather than one or more full-time juvenile case managers, to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases.

(d) Makes a nonsubstantive change.

(e) Requires a juvenile case manager employed under Subsection (c) to give priority to, rather than work primarily on, cases brought under Sections 25.093 (Parent Contributing to Nonattendance) and 25.094 (Failure to Attend School), Education Code.

(f) Requires the juvenile case manager to timely report to the judge who signed the order or judgment and, on request, to the judge assigned to the case or the presiding judge any

information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

(g) Requires the judge who is assigned to the case to consult with the juvenile case manager who is supervising the case regarding:

- (1) the child's home environment;
- (2) the child's developmental, psychological, and educational status;
- (3) the child's previous interaction with the justice system; and
- (4) any sanctions available to the court that would be in the best interest of the child.

(h) Provides that Subsections (f) and (g) do not apply to:

- (1) a part-time judge; or
- (2) a county judge of a county court that has one or more appointed full-time magistrates under Section 54.1172 (Appointment), Government Code.

SECTION 2. Provides that the changes in law made by this Act to Article 45.056, Code of Criminal Procedure, apply to a juvenile case manager employed on or after the effective date of this Act, regardless of whether the juvenile case manager began that employment before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2011.