

**BILL ANALYSIS**

C.S.H.B. 1318  
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Corrections  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Despite the fact that certain children are entitled to appointed counsel to represent them in juvenile justice proceedings, many children are not represented by counsel at the first detention hearing. Interested parties say at least one Texas county appoints counsel for children before the first detention hearing, which, according to the parties, has greatly improved the county's efficiencies in processing youth through the juvenile justice system. C.S.H.B. 1318 seeks to require the appointment of counsel within a reasonable time before the first detention hearing.

**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**

C.S.H.B. 1318 amends the Family Code to require a court to appoint counsel to represent a child who is in custody within a reasonable time before the first detention hearing.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1318 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 51.101(a), Family Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 54.01, Family Code, is amended by adding Subsection (b-1) and amending Subsections (d) and (h) to read as follows: <u>(b-1) If a child who is not represented by counsel qualifies for appointed counsel, the court shall appoint counsel before the first detention hearing is held to represent the child at that hearing.</u>	SECTION 2. Section 54.01, Family Code, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows: <u>(b-1) The court shall appoint counsel within a reasonable time before the first detention hearing is held to represent the child at that hearing.</u>

(d) A detention hearing may be held without the presence of the child's parents if the court has been unable to locate them. If no parent or guardian is present, the court shall appoint counsel or a guardian ad litem for the child, subject to the requirements of Subsection (b-1).

(h) The court entering a [A] detention order shall determine the duration of the detention [extends to the conclusion of the disposition hearing, if there is one], but in no event may the period specified in the detention order extend for more than 10 working days. Further detention orders may be made following subsequent detention hearings. The initial detention hearing may not be waived but subsequent detention hearings may be waived in accordance with the requirements of Section 51.09. The court entering a [Each] subsequent detention order shall determine the duration of the detention, but in no event may the detention period specified in a subsequent detention order extend for [nø] more than 10 working days, except that in a county that does not have a certified juvenile detention facility, as described by Section 51.12(a)(3), each subsequent detention order may specify a period of detention of not [shall extend for nø] more than 15 working days.

SECTION 3. The change in law made by this Act to Section 54.01, Family Code, applies only to a detention order, including a subsequent detention order, entered by a court on or after the effective date of this Act.

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2013.

(d) A detention hearing may be held without the presence of the child's parents if the court has been unable to locate them. If no parent or guardian is present, the court shall appoint counsel or a guardian ad litem for the child, subject to the requirements of Subsection (b-1).

No equivalent provision.

No equivalent provision.

SECTION 3. The change in law made by this Act applies only to a detention hearing that is held for a child taken into custody on or after the effective date of this Act.

SECTION 4. Same as introduced version.