

By: Raymond

H.B. No. 144

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a mental examination of a child subject to the juvenile
3 justice system.

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

5 SECTION 1. Sections 51.20(a), (b), (c), and (d), Family
6 Code, are amended to read as follows:

7 (a) At any stage of the proceedings under this title,
8 including when a child is initially detained in a pre-adjudication
9 secure detention facility or a post-adjudication secure
10 correctional facility, the juvenile court may, at its discretion or
11 at the request of the child's parent or guardian, order a child who
12 is referred to the juvenile court or who is alleged by a petition or
13 found to have engaged in delinquent conduct or conduct indicating a
14 need for supervision to be examined by a disinterested expert,
15 including a physician, psychiatrist, or psychologist, qualified by
16 education and clinical training in mental health or mental
17 retardation and experienced in forensic evaluation, to determine
18 whether the child has a mental illness as defined by Section
19 571.003, Health and Safety Code, [~~or~~] is a person with mental
20 retardation as defined by Section 591.003, Health and Safety Code,
21 or suffers from chemical dependency as defined by Section 464.001,
22 Health and Safety Code. If the examination is to include a
23 determination of the child's fitness to proceed, an expert may be
24 appointed to conduct the examination only if the expert is

1 qualified under Subchapter B, Chapter 46B, Code of Criminal
2 Procedure, to examine a defendant in a criminal case, and the
3 examination and the report resulting from an examination under this
4 subsection must comply with the requirements under Subchapter B,
5 Chapter 46B, Code of Criminal Procedure, for the examination and
6 resulting report of a defendant in a criminal case.

7 (b) If, after conducting an examination of a child ordered
8 under Subsection (a) and reviewing any other relevant information,
9 there is reason to believe that the child has a mental illness or
10 mental retardation or suffers from chemical dependency, the
11 probation department shall refer the child to the local mental
12 health or mental retardation authority or to another appropriate
13 and legally authorized agency or provider for evaluation and
14 services, unless the prosecuting attorney has filed a petition
15 under Section 53.04.

16 (c) If, while a child is under deferred prosecution
17 supervision or court-ordered probation, a qualified professional
18 determines that the child has a mental illness or mental
19 retardation or suffers from chemical dependency and the child is
20 not currently receiving treatment services for the mental illness,
21 ~~or~~ mental retardation, or chemical dependency, the probation
22 department shall refer the child to the local mental health or
23 mental retardation authority or to another appropriate and legally
24 authorized agency or provider for evaluation and services.

25 (d) A probation department shall report each referral of a
26 child to a local mental health or mental retardation authority or
27 another agency or provider made under Subsection (b) or (c) to the

1 Texas Juvenile Justice Department [~~Texas Juvenile Probation~~
2 ~~Commission~~] in a format specified by the department [~~commission~~].

3 SECTION 2. This Act takes effect September 1, 2013.