

By: Turner of Harris

H.B. No. 1318

A BILL TO BE ENTITLED

AN ACT

relating to the duration of a youth's detention following a detention hearing and the appointment of counsel for that hearing for certain youths.

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

SECTION 1. Section 51.101(a), Family Code, is amended to read as follows:

(a) If an attorney is appointed under Section 54.01(b-1) or (d) to represent a child at the initial detention hearing and the child is detained, the attorney shall continue to represent the child until the case is terminated, the family retains an attorney, or a new attorney is appointed by the juvenile court. Release of the child from detention does not terminate the attorney's representation.

SECTION 2. Section 54.01, Family Code, is amended by adding Subsection (b-1) and amending Subsections (d) and (h) to read as follows:

(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.

(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 [no] 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 no]~~ 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.

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