

By: White, Wu, Bernal

H.B. No. 1204

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of services as an alternative to  
3 adjudication for certain children who engage in conduct in need of  
4 supervision or delinquent conduct.

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

6 SECTION 1. Section 53.01, Family Code, is amended by adding  
7 Subsection (b-1) to read as follows:

8 (b-1) The person who is conducting the preliminary  
9 investigation shall, as appropriate, refer the child's case to a  
10 community resource coordination group, a local-level interagency  
11 staffing group, or other community juvenile service provider for  
12 services under Section 53.011, if the person determines that:

13 (1) the child is younger than 12 years of age;

14 (2) there is probable cause to believe the child  
15 engaged in delinquent conduct or conduct indicating a need for  
16 supervision;

17 (3) the child's case does not require referral to the  
18 prosecuting attorney under Subsection (d) or (f);

19 (4) the child is eligible for deferred prosecution  
20 under Section 53.03; and

21 (5) the child and the child's family are not currently  
22 receiving services under Section 53.011 and would benefit from  
23 receiving the services.

24 SECTION 2. Chapter 53, Family Code, is amended by adding

1 Section 53.011 to read as follows:

2 Sec. 53.011. SERVICES PROVIDED TO CERTAIN CHILDREN AND  
3 FAMILIES. (a) In this section:

4 (1) "Community resource coordination group" has the  
5 meaning assigned by Section 531.421, Government Code.

6 (2) "Local-level interagency staffing group" means a  
7 group established under the memorandum of understanding described  
8 by Section 531.055, Government Code.

9 (b) On receipt of a referral under Section 53.01(b-1), a  
10 community resource coordination group, a local-level interagency  
11 staffing group, or another community juvenile services provider  
12 shall evaluate the child's case and make recommendations to the  
13 juvenile probation department for appropriate services for the  
14 child and the child's family.

15 (c) The probation officer shall create and coordinate a  
16 service plan or system of care for the child or the child's family  
17 that incorporates the service recommendations for the child or the  
18 child's family provided to the juvenile probation department under  
19 Subsection (b). The child and the child's parent, guardian, or  
20 custodian must consent to the services with knowledge that consent  
21 is voluntary.

22 (d) For a child who receives a service plan or system of care  
23 under this section, the probation officer may hold the child's case  
24 open for not more than three months to monitor adherence to the  
25 service plan or system of care. The probation officer may adjust the  
26 service plan or system of care as necessary during the monitoring  
27 period. The probation officer may refer the child to the

1 prosecuting attorney if the child fails to successfully participate  
2 in required services during that period.

3 SECTION 3. Subchapter A, Chapter 152, Human Resources Code,  
4 is amended by adding Section 152.00145 to read as follows:

5 Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN  
6 JUVENILES. A juvenile board shall establish policies that  
7 prioritize:

8 (1) the diversion of children younger than 12 years of  
9 age from referral to a prosecuting attorney under Chapter 53,  
10 Family Code; and

11 (2) the limitation of detention of children younger  
12 than 12 years of age to circumstances of last resort.

13 SECTION 4. The changes in law made by this Act apply only to  
14 a child who engages in conduct that occurs on or after the effective  
15 date of this Act. A child who engages in conduct that occurs before  
16 the effective date of this Act is governed by the law in effect on  
17 the date the conduct occurred, and the former law is continued in  
18 effect for that purpose. For purposes of this section, conduct  
19 occurs before the effective date of this Act if any element of the  
20 conduct occurs before that date.

21 SECTION 5. This Act takes effect September 1, 2017.