

By: White

H.B. No. 1204

A BILL TO BE ENTITLED

AN ACT

relating to an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.

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

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

(b-1) If it is determined that the person is a child younger than 12 years of age and that there is probable cause, the person who is conducting the preliminary investigation shall refer the case to the appropriate community resource coordination group in accordance with Section 53.011.

SECTION 2. Chapter 53, Family Code, is amended by adding Section 53.011 to read as follows:

Sec. 53.011. PRELIMINARY PROCEEDINGS FOR CERTAIN CHILDREN.

(a) In this section, "community resource coordination group" or "group" means a coordination group established under a memorandum of understanding adopted under Section 531.055, Government Code.

(b) On receipt of a referral under Section 53.01(b-1), a community resource coordination group shall collaborate with the prosecuting attorney to determine whether it is appropriate for the community resource coordination group to coordinate services for the child and the child's family in lieu of adjudication. If the provision of services in lieu of adjudication is not determined to be appropriate, the prosecuting attorney shall proceed with the

1 review process in accordance with Section 53.012.

2 (c) If the community resource coordination group and
3 prosecuting attorney determine that it is in the child's best
4 interest for the group to provide services to the child and the
5 child's family in lieu of adjudication, the prosecuting attorney
6 may not file a petition and the group shall:

7 (1) conduct a full assessment of the child, the child's
8 needs, and the child's family;

9 (2) based on the results of the assessment, determine
10 which services would meet the assessed needs of the child or the
11 child's family;

12 (3) create a service plan or a system of care for the
13 child or the child's family that incorporates the necessary
14 services; and

15 (4) refer the child or the child's family to a local
16 agency that has the ability to provide the services, if necessary.

17 (d) Following the creation of a service plan or a system of
18 care for a child or a child's family under this section, the
19 community resource coordination group shall monitor the child and
20 the child's family for not less than three or more than six months,
21 as appropriate. The group may adjust the service plan or system of
22 care as necessary during the monitoring period.

23 (e) If a child who is being monitored by a community
24 resource coordination group under this section engages in
25 additional delinquent conduct or conduct in need of supervision,
26 the group shall coordinate with the prosecuting attorney to
27 determine if:

1 (1) the community resource coordination group should
2 continue monitoring the child in lieu of adjudication; or

3 (2) the prosecuting attorney should proceed with the
4 review process in accordance with Section 53.012, and file a
5 petition requesting adjudication, if appropriate.

6 SECTION 3. The changes in law made by this Act apply only to
7 a child who engages in conduct that occurs on or after the effective
8 date of this Act. A child who engages in conduct that occurs before
9 the effective date of this Act is governed by the law in effect on
10 the date the conduct occurred, and the former law is continued in
11 effect for that purpose. For purposes of this section, conduct
12 occurs before the effective date of this Act if any element of the
13 conduct occurs before that date.

14 SECTION 4. This Act takes effect September 1, 2017.