

BILL ANALYSIS

H.B. 2066
By: Cook
Youth Health & Safety, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Foster care advocates have raised concerns relating to children who are in foster care being referred to the juvenile justice system for trauma-related behavior by general residential operations (GROs). Among those concerns is that children who were placed in a GRO could face criminal charges for the same behavior and trauma the GRO indicated it would address when it accepted the child. These advocates have suggested that too often children are pushed from these settings into the juvenile justice system for misdemeanors arising out of behaviors associated with the trauma they suffered prior to and during their time in foster care. To provide these young people the opportunity to continue to receive needed help and support to heal from their trauma and not be criminalized for it, H.B. 2066 seeks to require local juvenile probation boards to create policies to divert young people from GROs out of the juvenile justice system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2066 amends the Family Code to require a juvenile court case for any child who resides in a general residential operation (GRO) to be referred to a community juvenile service provider if the person conducting the preliminary investigation determines that there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision, the case does not require referral to the prosecuting attorney, and the child is eligible for deferred prosecution. This provision applies only to conduct that occurs on or after the bill's effective date.

H.B. 2066 amends the Human Resources Code to require the behavior intervention instruction for staff members of a residential child-care facility who work directly with children to include crisis response training for emergency behavior intervention with a goal of limiting law enforcement involvement. This crisis response training may be conducted jointly with local law enforcement to maximize effectiveness. The bill establishes its intention to permit such a facility to supplement existing training requirements in effect before the bill's effective date and to conduct the training outside of the existing training curricula. The bill prohibits its provisions from being construed as requiring the purchase of a new training program or as requiring additional training hours.

H.B. 2066 requires a juvenile board to establish policies that prioritize the following:

- the diversion from referral to a prosecuting attorney under the juvenile justice code of children who are residing in a GRO, particularly children alleged to have engaged in conduct constituting a misdemeanor involving violence to a person; and
- the limitation of detention, to circumstances of last resort, of children who are residing in a GRO or who are residing in an unregulated setting and being supervised by a caseworker employed by the Department of Family and Protective Services due to a lack of a safe and appropriate licensed foster care placement or relative placement.

The bill requires a juvenile board, for purposes of monitoring the success of those policies, to track the following:

- the number of children referred to the board who reside in a GRO;
- the number of such children who receive deferred prosecution or are referred to the juvenile probation department; and
- the GRO where such a child resides.

EFFECTIVE DATE

September 1, 2023.