By: Zaffirini S.B. No. 463

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of confidential juvenile records to a managed assigned counsel program.

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

SECTION 1. Section 51.02, Family Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Managed assigned counsel program" has the meaning assigned by Article 26.047, Code of Criminal Procedure.

SECTION 2. Section 58.004(b), Family Code, is amended to read as follows:

(b) This section does not apply to information that is:

(1) necessary for an agency to provide services to the victim;

(2) necessary for law enforcement purposes;

(3) shared within the statewide juvenile information and case management system established under Subchapter E;

(4) shared with an attorney representing the child in a proceeding under this title; [~~or~~]

(5) shared with an attorney representing any other person in a juvenile or criminal court proceeding arising from the same act or conduct for which the child was referred to juvenile court; or

(6) shared with a managed assigned counsel program responsible for appointing an attorney to represent the child in a

proceeding under this title to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made.

SECTION 3. Section 58.005(a-1), Family Code, is amended to read as follows:

(a-1) Except as provided by Article 15.27, Code of Criminal Procedure, the records and information to which this section applies may be disclosed only to:

(1) the professional staff or consultants of the agency or institution;

(2) the judge, probation officers, and professional staff or consultants of the juvenile court;

(3) an attorney for the child;

(4) a governmental agency if the disclosure is required or authorized by law;

(5) an individual or entity to whom the child is referred for treatment or services, including assistance in transitioning the child to the community after the child's release or discharge from a juvenile facility;

(6) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(7) a prosecuting attorney;

(8) a parent, guardian, or custodian with whom a child will reside after the child's release or discharge from a juvenile facility;

(9) a governmental agency or court if the record is necessary for an administrative or legal proceeding and the personally identifiable information about the child is redacted before the record is disclosed; [~~or~~]

(10) with permission from the juvenile court, any other individual, agency, or institution having a legitimate interest in the proceeding or in the work of the court; or

(11) a managed assigned counsel program responsible for appointing an attorney to represent the child in a juvenile delinquency proceeding to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made.

SECTION 4. Section 58.007(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 54.051(d-1) and by Article 15.27, Code of Criminal Procedure, the records, whether physical or electronic, of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title may be inspected or copied only by:

(1) the judge, probation officers, and professional staff or consultants of the juvenile court;

(2) a juvenile justice agency as that term is defined by Section 58.101;

(3) an attorney representing the child's parent in a proceeding under this title;

(4) an attorney representing the child;

(5) a prosecuting attorney;

(6) an individual or entity to whom the child is referred for treatment or services, including assistance in transitioning the child to the community after the child's release or discharge from a juvenile facility;

(7) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or having custody of the child under juvenile court order; [~~or~~]

(8) with permission from the juvenile court, any other individual, agency, or institution having a legitimate interest in the proceeding or in the work of the court; or

(9) a managed assigned counsel program responsible for appointing an attorney to represent the child in a juvenile delinquency proceeding to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made.

SECTION 5. Sections 58.004, 58.005, and 58.007, Family Code, as amended by this Act, apply to records created before, on, or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2027.