



## **Legislative Priorities for the 81<sup>st</sup> Legislative Session**

The participants in the Roundtable represent organizations with varying perspectives on juvenile justice. However, several shared priorities serve as the basis for the Roundtable's collective work. Priorities for juvenile justice reform in the 81<sup>st</sup> Texas Legislative Session are to:

- 1. Move towards small, regionalized county and state juvenile justice facilities that promote rehabilitation in a non-violent environment.**
  - Use diversion programs to keep all but the most serious juvenile offenders out of secure facilities.
  - Allow TYC to use the bond money approved in 2007 flexibly to meet the needs of youth using small, decentralized facilities that keep youth close to their families.
  - Provide a continuum of services to youth in state custody.
  - Ensure that community-based service providers are held to the same standard of care as the public sector and that contracted services are monitored robustly.
  - Ensure that all juvenile justice practices in Texas are best practices.
  - Assure that juvenile justice facilities are free from abuse and neglect.
  
- 2. Improve juvenile justice interventions at the county and state level by using wrap-around services and community-based treatments that have a positive effect on youth both before and after system involvement.**
  - Probation practices should be child-centered, family-focused, and research-based.
  - Parole services should be child-centered, family-focused, and research-based.
  - All services for youth on probation, in facilities, on parole, and when exiting the system should be culturally competent.
  
- 3. Decrease public school practices that funnel students into the juvenile justice system.**
  - Use research-based practices, like School-Wide Positive Behavioral Support, to reduce disciplinary referrals and keep schools safe.
  - Require the Texas Education Agency to monitor and enforce standards for Disciplinary Alternative Education Programs (DAEPs).
  - Eliminate "serious and persistent misbehavior" as a reason to discretionarily expel students from DAEPs.
  - Require school districts to consider a student's intent when applying discipline for nonviolent, non-criminal offenses.
  - Require the Texas Education Agency to notify and provide guidance to school districts with disproportionate disciplinary referrals.
  - Decriminalize challenging student behavior by removing "disruption of classes" and "disruption of transportation" from the Texas Education Code as violations for which students can be issued a criminal citation.

- 4. Increase funding significantly for research-based practices geared towards delinquency prevention.**
  - Increase funding for Services to At-Risk Youth (STAR) and Community Youth Development (CYD).
  - Increase the research base of the delinquency prevention field by dedicating funding and technical assistance to the evaluation of state-funded prevention programs.
  
- 5. Improve funding for quality mental health services and services for youth with intellectual and developmental disabilities in the juvenile justice system.**
  - Provide flexible funding through local Community Resource Coordination Groups (CRCGs) for youth leaving juvenile justice facilities and to divert youth with complex needs from juvenile facilities,
  - Invest in the Special Needs Diversionary Program for all areas of the state,
  - Allow for the temporary suspension of Medicaid and CHIP benefits so that covered youth retain coverage upon release from a secure facility,
  - Adequately fund mental health , substance abuse, and special education services in juvenile facilities,
  - Assure that youth who leave the juvenile justice system on a mental health release are able to obtain services through the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMI); and
  - Require the Texas Department of Family and Protective Services (DFPS) to maintain foster youth committed to juvenile facilities on an active caseload and for those children in a permanent managing conservatorship (PMC), require DFPS and/or a special advocate to visit the children on a regular basis and to advocate for their needs.
  
- 6. Coordinate an inter-agency strategic plan on juvenile delinquency issues through the Health and Human Services Commission (HHSC) Office of Program Coordination for Children and Youth to elevate coordination of and accountability for children’s and youth’s issues across health, human services, juvenile justice, education, and other child-serving agencies. The plan should be created with substantial stakeholder and family input and should include recommendations to the 82<sup>nd</sup> Texas Legislature regarding:**
  - Keeping children in family settings rather than restrictive institutional settings.
  - Providing services along a continuum of care with treatment for the family system, including prevention and early intervention.
  - Securing flexible funding to best meet the needs of families and youth.
  - Re-establishing an interagency Legislative Appropriations Request on child and youth issues.
  - Acknowledging and reducing the overrepresentation of youth of color in the juvenile justice system.
  - Providing services that are not available through any other avenue to eliminate the need for parents to voluntarily relinquish custody just so their children can obtain the care they need.
  - Removing barriers to local coordination of services through CRCGs.
  - Ensuring that all children and youth receive appropriate assessment, diagnoses, and intervention services.

For more information, please contact:

Jodie Smith

[www.texasjjroundtable.org](http://www.texasjjroundtable.org)

## Participating Organizations

Advocacy, Inc.  
[www.advocacyinc.org](http://www.advocacyinc.org)

American Civil Liberties Union Foundation (ACLU) of Texas  
[www.aclutx.org](http://www.aclutx.org)

Arc of the Capital Area  
[www.arcofthecapitalarea.org](http://www.arcofthecapitalarea.org)

Blue Ribbon Task Force  
<http://www.utexas.edu/ssw/faculty/ept2007.pdf>

Catholic Charities of Central Texas  
[www.ccctx.org](http://www.ccctx.org)

Center for Children, Law & Policy at the University of Houston Law Center,  
Southwest Juvenile Defender Center  
[www.law.uh.edu/juveniledefender](http://www.law.uh.edu/juveniledefender)

Center for Public Policy Priorities  
[www.cppp.org](http://www.cppp.org)

Children at Risk, Houston  
[www.childrenatrisk.org](http://www.childrenatrisk.org)

Children's Defense Fund of Texas  
[www.childrensdefense.org](http://www.childrensdefense.org)

Christian Life Commission, Baptist General Convention of Texas  
[www.bgct.org](http://www.bgct.org)

People in Defense of Earth and her Resources (PODER)  
[www.poder-texas.org](http://www.poder-texas.org)

National Association of Social Workers (NASW) Texas  
[www.naswtx.org](http://www.naswtx.org)

Texans Care For Children  
[www.texanscareforchildren.org](http://www.texanscareforchildren.org)

Texas Appleseed  
[www.texasappleseed.net](http://www.texasappleseed.net)

Texas Coalition Advocating Justice for Juveniles (TCAJJ)  
[www.tcajj.org](http://www.tcajj.org)

Texas Criminal Justice Coalition (TCJC)  
[www.criminaljusticecoalition.org](http://www.criminaljusticecoalition.org)

Texas Fair Defense Project (TFDP)  
[www.texasfairdefenseproject.org](http://www.texasfairdefenseproject.org)

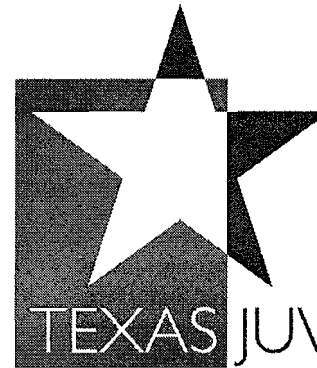
Texas Impact  
[www.texasimpact.org](http://www.texasimpact.org)

Texas Network of Youth Services (TNOYS)  
[www.tnoys.org](http://www.tnoys.org)

The Arc of Texas  
[www.thearcoftexas.org](http://www.thearcoftexas.org)

The Justice Project  
[www.thejusticeproject.org](http://www.thejusticeproject.org)

The University of Texas at Austin, Inter-American Institute for Youth Justice  
[www.utexas.edu/ssw/cswr/institutes.html](http://www.utexas.edu/ssw/cswr/institutes.html)



## TEXAS JUVENILE JUSTICE ROUNDTABLE

The mission of the Texas Juvenile Justice Roundtable is to create an effective juvenile justice system that practices prevention and rehabilitation and offers opportunities for youth to succeed, thereby supporting strong and safe communities.

## The Time is Ripe for Juvenile Justice Reform

Juvenile justice in Texas is ready for a paradigm shift towards a balanced system that truly helps troubled youth succeed while protecting public safety. In early 2007, a sexual abuse scandal revealed that the state juvenile correctional system, the Texas Youth Commission (TYC), was in a state of collapse. Scrutiny of TYC by the media, state lawmakers, and the federal government revealed violent conditions of incarceration, a lack of mental health care, inadequate staffing, poor-quality rehabilitative programs, and unethical practices. In response to this crisis, state leaders launched a number of reform efforts -- including an immediate change in agency leadership and omnibus reform legislation (Senate Bill 103) -- with unanimous bipartisan support. The current TYC leadership has taken positive steps towards meaningful, long-term reform, and needs continued support from state policymakers in order to actualize the vision of a successful, stable juvenile justice system.

Though TYC has recently had the most media coverage, it is only one part of the juvenile justice system. There are many more youth involved with county-level juvenile probation departments than with TYC. When changes are made to TYC, the impact ripples down to the county level and affects juvenile probation departments all over the state. The 2009 Texas Legislature will have the chance to build on reforms passed in 2007 and transform the spectrum of the Texas juvenile justice system into one that keeps communities safe through delinquency prevention and the successful rehabilitation of the youth in its care.

## Who We Are

Since May, 2007, the number of advocacy organizations working on juvenile justice has increased four-fold. These diverse advocates and stakeholders have come together to form the Texas Juvenile Justice Roundtable, a coordinated effort to improve the Texas juvenile justice system.

## Our Work

The activities of the Roundtable include:

- Participating in the Sunset Commission review of the TYC and the Texas Juvenile Probation Commission (TJPC);
- Advocacy in the 81<sup>st</sup> Legislature for continued systemic reforms;
- Monthly meetings to share information;
- Public education events, such as legislative briefings, forums, and panels;
- Recommendations for inclusion in agencies' legislative appropriations requests; and
- Coordination of legislative campaigns.

## Guiding Principles

The Roundtable's specific policy and legislative recommendations reflect the following consensus principles:

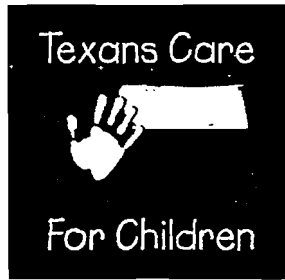
- Involving parents and guardians in processes affecting youth;
- Diverting youth who are non-violent, diagnosed with mental health challenges, and/or cognitive/developmental disabilities from the juvenile justice system;
- Ensuring justice for victims of juvenile crime;
- Controlling costs to taxpayers;
- Protecting the rights of youth in juvenile justice proceedings and in facilities and;
- Decreasing public school practices that funnel students into the juvenile justice system.

## Contact Information

Texans Care For Children convenes and facilitates the Roundtable's meetings. For more information, to contribute, or to participate in the Texas Juvenile Justice Roundtable, please contact:

Jodie Smith

[www.texasjroundtable.org](http://www.texasjroundtable.org)



December 15, 2008  
Sunset Advisory Commission  
PO Box 13066  
Austin, TX 78711

**Written Comment to Sunset Advisory Commission**

Re: Texas Youth Commission, Texas Juvenile Probation Commission, Office of Independent Ombudsman Staff Report

Dear Sunset Commission Members,

Texans Care For Children is a non-profit organization composed of over 120 organizations and individuals working to improve the well-being of Texas' children. The Texans Care Board of Trustees is composed of leaders from across the state representing various sectors including business, faith, professional, volunteer and non-profit organizations. We advocate for state and local policy that brings about a better quality of life for the children of our state. Each session, in concert with our membership, we develop a legislative agenda that supports efforts to improve the lives of Texas' children in five areas: family economic security, children's health, children's mental health, child welfare, and juvenile justice and at-risk youth.

In May 2007 Texans Care For Children convened the Juvenile Justice Roundtable, a coordinated effort by a diverse group of advocates and stakeholders to improve the Texas juvenile justice system. The mission of the Juvenile Justice Roundtable is to create an effective juvenile justice system that practices prevention and rehabilitation and offers opportunities for youth to succeed, thereby supporting strong and safe communities. The Roundtable recognizes that juvenile justice in Texas is ready for a paradigm shift towards a balanced system that truly helps troubled youth succeed, while protecting public safety. As an advocate for youth in the juvenile justice system, Texans Care for Children offers this response to the Sunset Staff report on the TYC, TJPC, and OIO.

Texans Care for Children believes that the Sunset staff has correctly identified improving inter-agency coordination between TYC and TJPC as a top priority. Increased coordination will create a more integrated service delivery system to achieve the overarching goal of effectively serving the needs of juvenile offenders and protecting public safety.

***Texans Care for Children does not believe consolidation of TYC and TJPC is the most effective means of promoting coordination.***

Consolidation does not necessarily result in coordination and would certainly cause further delay in implementation of the reforms that were passed last session. The Legislature has invested significant resources developing legislation to reform TYC, and the agency needs more time to implement the changes required by SB 103. Time and resources spent reorganizing could be better spent capitalizing on the strengths of the current system. Particularly, TJPC's emphasis on prevention, early intervention, and rehabilitation programs could be lost in a consolidated agency. It is worth noting that though their missions are related, TJPC was created as a separate agency in 1981 from a program that was initially run by TYC.

Texans Care for Children believes that effective coordination would best develop from thoughtful planning that spans beyond TYC and TJPC to encompass the many child serving agencies in the state, including child protective services and local school districts. Interagency strategic planning among all agencies working with children and youth is essential to positive outcomes for Texas, particularly in terms of preventing negative behaviors and addressing mental health needs.

***Texans Care for Children recommends the coordination of an inter-agency strategic plan on juvenile delinquency issues through the Health and Human Services Commission (HHSC) Office of Program Coordination for Children and Youth.*** Interagency planning would elevate coordination of and accountability for children's issues throughout our child-serving agencies. The plan should be created with substantial stakeholder and family input and should provide recommendations regarding:

- **Keeping children in family settings rather than restrictive institutional settings.** Diversion programs should be used to keep all but the most serious juvenile offenders out of secure facilities. A regionalized system of facilities inherently smoothes the re-entry process by not pulling a youth from the community while incarcerated.
- **Providing services along a continuum of care with treatment for the family system.** Offending behavior does not occur in a vacuum. Addressing the family and home environment of juvenile offenders is crucial to providing appropriate treatment and preventing recidivism.
- **Securing flexible funding to best meet the needs of families and youth.** Flexible funding allows service plans to be customized based on the best interests of the youth, rather than limiting youth to a preset array of treatment options.
- **Re-establishing an interagency Legislative Appropriations Request on child and youth issues.** Integrating the agencies' funding requests could provide the flexible funding that supports best practice integration of services. The interagency LAR would include not only the juvenile justice agencies, but also health and human services agencies.
- **Preventing the relinquishment of parental rights so that parents can secure services for their child when not available through any other avenue.** Maintaining parental and family involvement is linked to reduced recidivism and improved treatment outcomes for youth.
- **Removing barriers to local coordination of services through Community Resource Coordination Groups.** CRCGs serve all counties of the state and were created by the state to better serve children with complex needs to keep them from falling through the cracks between systems and agencies. The Legislature should build upon the existing expertise of community-based, locally directed CRCGs to facilitate better coordination of after-care services for TYC youth.
- **Early intervention and detection assessments.** Interventions and treatment plans at all levels of the juvenile justice system should be research based.

***Texans Care for Children supports the report's recommendation that youth be kept in the community when possible and in facilities in their own communities when incarceration is required.*** This goal would be best achieved through a move toward small, regionalized county and state juvenile justice facilities that promote rehabilitation in a non-violent environment. Research shows that smaller facilities focusing on rehabilitation rather than punishment programs are successful in reducing recidivism. We recommend a shift to a regionalized system of facilities that model a rehabilitation-oriented culture in the least restrictive setting possible.

***Texans Care for Children supports the recommendations of Issues 3 and 4 that emphasize greater professionalization for employees within the system.*** TYC needs a quality work force in order for treatments and interventions to be effective. The state should invest in increasing the skill set of juvenile corrections officers so that they consistently use positive behavioral interventions and supports to enhance a rehabilitative environment. Appropriately trained staff with skills in trauma-informed care and non-violent behavior management techniques can be effective role models for non-violent conflict management and are crucial to ensuring the safety and rights of the youth in TYC.

Attached to these comments you will find the policy priorities developed by the Texas Juvenile Justice Roundtable and a document that lists the 22 organizations who have endorsed the recommendations. We respectfully urge the Commission to include these broad-based recommendations for change in its considerations of juvenile justice reforms.

**Thank you for the opportunity to provide feedback regarding the Sunset Staff Report. If you have any questions, please call us at \_\_\_\_\_ or visit our website at [www.texanscareforchildren.org](http://www.texanscareforchildren.org).**

Respectfully,  
Eileen Garcia-Matthews  
Executive Director

Jodie Smith  
Public Policy Director