

CHAPTER 1048

H.B. No. 1731

AN ACT

relating to the disposition, placement, and treatment of certain children.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 54.04, Family Code, is amended by amending Subsections (c), (d), and (i) and adding Subsection (l) to read as follows:

(c) No disposition may be made under this section unless the child is in need of rehabilitation or the protection of the public or the child requires that disposition be made. If the court or jury does not so find, the court shall dismiss the child and enter a final judgment without any disposition. *No disposition placing the child on probation outside the child's home may be made under this section unless the court or jury finds that the child, in the child's home, cannot be provided the quality of care and level of support and supervision that the child needs to meet the conditions of the probation.*

(d) If the court or jury makes the finding specified in Subsection (c) of this section *allowing the court to make a disposition in the case:*

(1) the court or jury may, in addition to any order required or authorized under Section 54.041 or 54.042 of this code, place the child on probation on such reasonable and lawful terms as the court may determine [~~for a period not to exceed one year, subject to extensions not to exceed one year each~~]:

(A) in his own home or in the custody of a relative or other fit person; or

(B) *subject to the finding under Subsection (c) of this section on the placement of the child outside the child's home, in:*

(i) a suitable foster home; or

(ii) [~~(C) in~~] a suitable public or private institution or agency, except the Texas Youth Commission;

(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct and if the petition was not approved by the grand jury under Section 53.045 of this code, the court may commit the child to the Texas Youth Commission without a determinate sentence; or

(3) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) of this code and if the petition was approved by the grand jury under Section 53.045 of this code, the court or jury may sentence the child to commitment in the Texas Youth Commission with a transfer to the institutional division of the Texas Department of Criminal Justice for any term of years not to exceed 40 years.

(i) If the court places the child on probation outside *the child's* [his] home or commits the child to the Texas Youth Commission, the court shall include in its order its determination that ~~whether~~:

(1) it is in the child's best interests to be placed outside *the child's* [his] home; ~~and~~

(2) reasonable efforts were made to prevent or eliminate the need for the child's removal from the home and to make it possible for the child to return to *the child's* [his] home; and

(3) *the child, in the child's home, cannot be provided the quality of care and level of support and supervision that the child needs to meet the conditions of probation.*

(l) *A court or jury may place a child on probation under Subsection (d)(1) of this section for any period, except that probation may not continue on or after the child's 18th birthday. The court may, before the period of probation ends, extend the probation for any period, except that the probation may not extend to or after the child's 18th birthday.*

SECTION 2. Section 54.06, Family Code, is amended to read as follows:

Sec. 54.06. JUDGMENTS FOR SUPPORT. (a) At any stage of the proceeding, when a child has been placed outside *the child's* [his] home, the juvenile court, after giving the parent or other person responsible for the child's support a reasonable opportunity to be heard, shall order the parent or other person to pay in a manner directed by the court a reasonable sum for the support in whole or in part of the child or the court shall waive the payment by order. The court shall order that the payment for support be made to the local juvenile probation department to be used only for residential care and other support for the child unless the child has been committed to the Texas Youth Commission, in which case the court shall order that the payment be made to the Texas Youth Commission for deposit *in a special account in the general revenue fund that may be appropriated only for the care of children committed to the commission* [~~to the General Revenue Fund~~].

(b) *At any stage of the proceeding, when a child has been placed outside the child's home and the parent of the child is obligated to pay support for the child under a court order under Title 2 of this code, the juvenile court shall order that the person entitled to receive the support assign the person's right to support for the child placed outside the child's home to the local juvenile probation department to be used for residential care and other support for the child unless the child has been committed to the Texas Youth Commission, in which event the court shall order that the assignment be made to the Texas Youth Commission.*

(c) Orders for support may be enforced as provided in Section 54.07 of this code.

SECTION 3. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Sections 61.0385 and 61.0395 to read as follows:

Sec. 61.0385. CRISIS INTERVENTION AND ASSESSMENT CENTERS. The commission may establish a children's crisis intervention and assessment center at a facility owned or operated by the commission. The commission may contract with another entity for the provision or use of services at the center.

Sec. 61.0395. SERVICES FOR CHILDREN NOT COMMITTED TO THE COMMISSION. The commission may provide services to a child not committed to the commission if the commission contracts with a local juvenile probation department, the Texas Department of Human Services, or the Department of Protective and Regulatory Services to provide services to the child.

SECTION 4. Section 61.071, Human Resources Code, is amended to read as follows:

Sec. 61.071. INITIAL EXAMINATION. The commission shall examine and make a study of each child committed to it as soon as possible after *commitment* [~~the arrival of the child~~]. The study shall be made according to rules established by the commission and shall include *long-term planning for the child, including a determination of whether the child will* [~~an investigation of all pertinent circumstances of the life and behavior of the child. One objective of the study shall be to identify recidivists or other children who may~~] need long-term residential care.

SECTION 5. Section 61.0811, Human Resources Code, is amended to read as follows:

Sec. 61.0811. PAROLE MANAGEMENT. The commission shall develop a management system for parole services that objectively measures and provides for:

- (1) the systematic examination of children's needs and the development of treatment plans to address those needs;
- (2) the evaluation of [~~children's~~] homes, *foster homes, and public and private institutions* as constructive parole placements;
- (3) the classification of children based on the level of children's needs and the degree of risk presented to the public;
- (4) the objective measurement of parole officer workloads; and
- (5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.

SECTION 6. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Section 141.0476 to read as follows:

Sec. 141.0476. MEMORANDUM OF UNDERSTANDING ON CERTAIN ABUSED OR NEGLECTED CHILDREN. (a) The commission, the Texas Youth Commission, and the Department of Protective and Regulatory Services shall maintain a joint memorandum of understanding relating to children who are abused or neglected or who are at risk of abuse or neglect. The memorandum must:

- (1) *establish guidelines for the referral of children under the supervision of the Texas Youth Commission or a juvenile probation department who are abused or neglected or who are at risk of abuse or neglect to the Department of Protective and Regulatory Services; and*
 - (2) *establish procedures by which the Department of Protective and Regulatory Services may intervene in the treatment of the children and, when appropriate, allow the children to return to the supervision of the juvenile probation department.*
- (b) The commission shall act as the lead agency in coordinating the development and implementation of the memorandum.*
- (c) Not later than the last month of each state fiscal year, the commission, the Texas Youth Commission, and the Department of Protective and Regulatory Services shall review and revise the memorandum.*

(d) Each agency must adopt the memorandum and any revision to the memorandum by rule.

(e) In this section, "abuse" and "neglect" have the meanings assigned by Section 34.012, Family Code.

SECTION 7. Section 61.063, Human Resources Code, is repealed.

SECTION 8. (a) This Act takes effect September 1, 1993.

(b) The Texas Juvenile Probation Commission, the Texas Youth Commission, and the Department of Protective and Regulatory Services must complete the memorandum of understanding required by Section 141.0476, Human Resources Code, as added by this Act, on or before October 31, 1993.

(c) Section 2 of this Act applies to the placement of a child outside the child's home under Title 3, Family Code, without regard to whether the proceedings relating to the child under that title began before, on, or after the effective date of this Act.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 14, 1993, by a non-record vote; passed by the Senate on May 30, 1993, by a viva-voce vote.

Approved June 20, 1993.

Effective Sept. 1, 1993.