Overview of TJPC and TYC Merger

Lisa Capers, Deputy Executive Director  
and General Counsel

Texas Juvenile Probation Commission  
4900 North Lamar Boulevard, 5th Floor East  
Post Office Box 13547  
Austin, TX  78711

Tel 512.424.6700  Fax 512.424.6717  TDD 512.424.4000  
www.tjpc.state.tx.us

September 26, 2011
One Voice Texas United Way Conference

Overview of TJPC and TYC Merger

Table of Contents

PowerPoint Presentation ......................................................................................................................................................... 1
The 82nd Texas Legislature 2011 A New Day: Reformation and Rebuilding................................................................. 28
Sunset Legislation Overview 2011, Senate Bill 653 by Whitmire ........................................................................................... 30
Senate Bill 653 Statutory Timelines for Creation of the TJJD ................................................................................................. 33
TJJD Transition Team Appointed ............................................................................................................................................ 34
The Sunset Bill
Senate Bill 653

Historical Review

The Juvenile Justice Trilogy

• 2007 – 80th Texas Legislature
  – The Perfect Storm
• 2009 – 81st Texas Legislature
  – The Sunset After the Storm
• 2011 – 82nd Texas Legislature
  – A New Day: Reformation and Rebuilding
The Juvenile Justice Trilogy

• 2007 – 80th Texas Legislature
  • The Perfect Storm
    – TYC scandal at West Texas state school leads to massive statutory reforms
    – TYC in conservatorship during extensive investigations. New agency management.
    – Senate Bill 103 mandated significant reforms.
    – New funding for community based programs.

• 2009 – 81st Texas Legislature
  • The Sunset After the Storm
    – Sunset recommends consolidation of TYC and TJPC but legislature opts for continued statutory reforms short of consolidation
    – HB 3689 continued the TYC reforms and required collaboration and cooperation between TYC and TJPC. Additional funding for JPDs.

• 2011 – 82nd Texas Legislature
  • A New Day – Reformation and Rebuilding
    – Sunset Staff recommends separate agencies with continued collaboration between TYC and TJPC. No consolidation recommended.
    – Sunset Commission unanimously votes to abolish TYC and TJPC and create the new Texas Juvenile Justice Department (TJJJD).
We are all faced with a series of great opportunities brilliantly disguised as impossible situations.

Charles R. Swindoll
Bill Structure

Authors

- Senator John Whitmire  
  - Senate Author
- Representative Jerry Madden  
  - House Author of companion bill
  House Bill 1915

Structure of SB 653

- Bill organized into 3 Articles (205 Pages):
  - Article 1. Texas Juvenile Justice Department; Texas Youth Commission and Texas Juvenile Probation Commission (180 pages)
  - Article 2. Miscellaneous Provisions (5 pages)
  - Article 3. Conforming Amendments (20 pages)
- Effective Date of September 1, 2011.
Structure of SB 653

- Creates new Title 12 in the Texas Human Resources Code.
- 4 Subtitles in bill that consolidate the enabling legislation of the TJPC, TYC and the Independent Ombudsman.

Structure of SB 653

- Subtitle A. Texas Juvenile Justice Board and Texas Juvenile Justice Department
- Subtitle B. Probation Services; Probation Facilities
- Subtitle C. Secure Facilities
- Subtitle D. Independent Ombudsman

Today's Overview

- Will focus primarily on:
  - New goals and purposes of the new agency
  - New agency structure and governance
  - New amendments to the former enabling legislation of either TJPC or TYC
- Will not focus on former law of either agency that did not change but was simply recodified into new Title 12.
Structure of TJJD

Structure
• Abolishes the Texas Youth Commission and the Texas Juvenile Probation Commission and transfers the powers and duties of both agencies to the newly created Texas Juvenile Justice Department (TJJD) effective December 1, 2011.

TJJD Purpose & Goals
Purposes and Interpretation

- Key concepts in place:
  - Unified state juvenile justice agency that works in partnership with local governments to promote public safety and effective services throughout the system continuum.
  - System that produces positive outcomes for youth, families and communities.

Department Goals

- Key concepts in place:
  - County based programs and services that serve offenders close to home if possible.
  - Increase reliance on alternatives to placement and commitment of youth where possible.
  - Community based approach to youth corrections.

Funding Priorities

- The new agency and board are mandated to set funding priorities for services that support a community-based approach to rehabilitation of youth in local communities where possible. Funding priorities cannot provide any incentives to incarcerate youth.
Creation of Transition Team

- Creates seven (7) member transition team appointed by the Governor.
- Composed of representatives from the following offices: TJPC, TYC, Governor, Lieutenant Governor, and Speaker of the House.
- One member who is an advocate of youth, families and/or victims.
- One member who has experience with organizational mergers.

Appointed Transition Team

- On September 1, 2011, Governor Perry appointed the Transition Team:
  - Chelsea Buckholts, Governor’s Office
  - Albert Hawkins, Austin, TX public policy consultant
  - Rep. Ruth McClendon of San Antonio
  - David “Scott” Matthew, CJPO Williamson County
  - Vicki Spriggs, ED of TJPC
  - Cherie Townsend, ED of TYC
  - Debbie Unruh, Independent Ombudsman of TYC
Powers and Duties of Transition Team

• Coordinate and oversee the transition of services and facilities to TJJD.
• Assist TJJD and advise the TJJD board in implementing the transition of services and facilities to TJJD.
• Prepare transition plan that shall include transition goals for TJJC and may include benchmarks and timelines as appropriate.

Transition Timeline

• Transition team to be appointed as soon as possible after September 1, 2011 and not later than October 1, 2011.
• After September 1, 2011 and before December 1, 2011, the transition team shall oversee the transition of services and facilities from TYC and TJPC to TJJD.
• After November 30, 2011 and before March 1, 2012, the transition team shall
  – Assist TJJD and the TJJD Board in implementing the transition of services and facilities from TJPC and TYC to TJJD; and
  – Prepare and submit to the TJJD a transition plan
• Transition Team dissolved March 1, 2012.
Governance of TJJD

**Governing Board**

- Creates 13 member governing board:
  - 1 district court judge in a designated juvenile court
  - 3 members who are members of a county commissioners court
  - 1 juvenile court prosecutor
  - 3 chief juvenile probation officers (representing small, medium and large counties)
  - 1 adolescent mental health treatment professional
  - 1 educator
  - 3 members of the general public

**Board Membership**

- Members serve staggered six-year terms with 4-5 of the members expiring on February 1 of each odd-numbered year
- Governor appoints board presiding officer
- Judge, members of commissioners courts, prosecutor and chief juvenile probation officers cannot be from same county or judicial district.
Mission of TJJD

• Board shall establish mission of department with the goal of establishing a cost-effective continuum of youth services that emphasize keeping juveniles in their home communities while maintaining the interests of rehabilitation and public safety. Board shall establish funding priorities that support mission and do not provide incentives to incarcerate youth.

Duties of Board

• The Board shall employ an executive director to administer the department.
• The Board shall supervise the director’s administration of the department.

Duties of Board

• The Board has the responsibility for reviewing and approving rules appropriate to the proper accomplishment of the department’s functions.
• The Board may delegate to the ED the Board’s responsibility for the adoption of certain policies as appropriate for the proper accomplishment of the department’s functions relating to state operated facilities and the department’s personnel.
Duties of Board

- The board shall develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publically available online, and use those measures in determining funding levels for programs and services.

Sunset

- Texas Juvenile Justice Board, the Texas Juvenile Justice Department and the Office of the Independent Ombudsman are subject to the Texas Sunset Act.
- New sunset date of September 1, 2017.

Timelines

- Not later than December 1, 2011, the governor shall appoint the initial members of the Texas Juvenile Justice Board.
- The governor shall appoint:
  - 4 members whose terms expire February 1, 2013
  - 4 members whose terms expire February 1, 2015
  - 5 members whose terms expire February 1, 2017
Advisory Council

• Creates 13 member advisory council on juvenile services that consists of:
  – Executive Director of TJJD or designee
  – Director of probation services of the department or the director's designee
  – Executive Commissioner of HHSC or designee
  – One representative of the county commissioners court appointed by the board
  – Two juvenile court judges appointed by the board
  – Seven chief juvenile probation officers appointed by the board

Advisory Council Appointments

• Board appoints one chief juvenile probation officer from each regional chiefs association from list of nominees submitted by each regional chiefs association.
• Lists submitted by regional chief’s associations shall include representation from small, medium and large counties.
Advisory Council Terms

• Advisory council members serve staggered two-year terms, with one-half of the members expiring on February 1 of each year.
• At the first advisory council meeting, the members shall draw lots to determine the length of each member’s initial term and which members’ terms expire each year.

Advisory Council Duties

• The advisory council shall assist the department in:
  – Determining needs and problems;
  – Reviewing and proposing revisions to existing or newly proposed standards;
  – Analyzing the potential cost impact of new standards; and
  – Advising the board on any other matter on request of the board.

Advisory Council Timelines

• Initial members of Advisory Council on Juvenile Services shall be appointed not later than December 1, 2011.
• The department shall provide prevention and intervention services for at-risk youth age 6-17 that are subject to compulsory school attendance or under juvenile court jurisdiction.

• “Prevention and Intervention Services” defined as programs and services intended to prevent or intervene in at-risk behaviors and lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.
Prevention and Intervention

• The prevention and intervention services must:
  – Consolidate prevention and intervention services within TJJD to avoid fragmentation and duplication of programs and services; and
  – Increase accountability for the delivery and administration of the programs and services.

Prevention and Intervention

• TJJD, shall, to extent funds available:
  – Plan, develop and administer a comprehensive and unified statewide delivery system for prevention and intervention services
  – Improve efficiency and responsiveness by facilitating greater coordination and flexibility in the use of funds
  – Fund evidence based or research based programs

Prevention and Intervention

• TJJD, shall, to extent funds available:
  – Provide accountability for the provision of services by adopting outcome measure
  – Assist local communities in the coordination and development of services to maximize funding
  – Provide funding through a competitive process to variety of entities.
Prevention and Intervention

• The department shall plan, develop and administer a comprehensive and unified statewide delivery system for prevention and intervention services.
• The department may subcontract this function to a qualified independent services provider that has demonstrated experience.

Abuse & Neglect

Abuse, Neglect and Exploitation Data

• Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by law to be reported to TJJD or local juvenile boards, shall be provided to the Office of the Independent Ombudsman.
Toll-Free ANE Reporting Hotline

- The department must establish a toll free number for the reporting of abuse, neglect or exploitation in state and county facilities.
- Toll free number must be prominently displayed in all state and county facilities.

Toll-Free ANE Reporting Hotline

- Children in state or county custody and employees of the state or county facility shall have confidential access to telephones for purpose of calling the toll-free number.
- The department must provide staff to answer calls 24 hours a day, every day.

Toll-Free ANE Reporting Hotline

- TJJD shall share the complaints received on the toll-free number with:
  - Office of Inspector General
  - Office of the Independent Ombudsman
Independent Ombudsman (OIO)

- OIO remains independent state agency.
- OIO appointed by governor.
- Statutory authority remains much the same with a few notable additions.
- Investigation authority limited to state operated programs and facilities.

Independent Ombudsman (OIO)

- Powers of office limited to facilities operated and services provided by TJJD.
- However…New Section 203.0105 requires all ANE data of local juvenile probation departments be provided to the OIO.
- OIO authority limited to review of data and referral of incidents to proper authorities.
Independent Ombudsman

- Review reports received by TJJD relating to complaints regarding juvenile probation programs, services or facilities.
- Analyze data in the reports to identify trends in complaints.
- Report possible standards violations by a local juvenile probation department to the appropriate division of TJJD.

Inspector General

Office of Inspector General (OIG)

- OIG reports directly to the TJJD board in addition to the executive director and other entities.
- Retains jurisdiction to investigate crimes in state-run facilities or those committed by TJJD employees.
Office of Inspector General (OIG)

- OIG will screen all ANE allegations and complaints coming to TJJD and refer to local law enforcement any possible criminal complaints arising in county-operated programs.
- ANE will be investigated by TJJD much the same as TJPC has done. Same rules will apply to local probation departments.

State Facility Operations

Facility Closures

- SB 653 did not require facility closures but budget cuts did necessitate the closure of 3 state-operated facilities. On June 3, the TYC Board announced plans to close:
  - Al Price State Juvenile Correctional Facility in Beaumont,
  - Crockett State School in Crockett
  - Ron Jackson State Juvenile Correctional Complex Unit II in Brownwood.
Zero Tolerance Policy

- TYC was previously required to adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of TYC.
- TJJD must now ENFORCE this policy.

Initial Examination of Child

- TJJD required to conduct an initial exam of each child committed within 3 business days of the youth’s commitment to identify the treatment needs.
- Treatment needs to be assessed: medical, substance abuse, treatment history, psychiatric history, sex offender history and violent offense history.

Treatment Planning

- An individualized, written treatment plan for the youth must be developed ASAP.
- Treatment plan must make recommendations for meeting child’s specialized treatment needs.
- Treatment plan must contain individually tailored statement of treatment goals, objectives and timelines.
Reentry and Reintegration

• TJJD to still provide parole services as per former law.
• TJJD may employ parole officers directly or contract with local juvenile probation departments as did TYC.

Reentry and Reintegration

• Requires TJJD to do plan for youth designed to ensure the child receives an extensive continuity of care in services from commitment through final discharge.

Reentry and Reintegration

• Plan must include (as applicable):
  – housing assistance;
  – step down program;
  – family counseling;
  – academic and vocational mentoring;
  – trauma counseling if youth was abused in custody; and
  – other specialized treatment services.
ACA Accreditation

- In 2007, TYC was required to begin the process of receiving accreditation by the American Correctional Association for all state facilities.
- SB 653 removes this requirement making accreditation discretionary for TJJD.

Educational Services

- TJJD required to encourage compliance with educational service standards and rights prescribed by state and federal law:
  - Facilitate interagency coordination and collaboration among JPDs, school districts and TEA;
  - Develop and support plan to ensure continuity of educational services to juvenile offenders, including special education services.
Charter Schools

- Authorizes the State Board of Education to grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under the Family Code.
- JPD must provide all legally mandated educational services, including special education services if operating a charter.

Closed TYC Facilities

- TJJD may transfer a closed facility to the county or municipality where facility located if the facility will be used for a purpose that benefits the public interest of the state.
- If not used for public purpose, property ownership reverts back to TJJD
- Applies only in counties with population of less than 100,000.
• A juvenile probation department may appeal a decision of the executive director to the board.
• Appeals may include decisions relating to standards affecting juvenile probation programs, services, or facilities. The board’s decision is final.
**Major Events Forthcoming**

- Appointment of new TJJD Board
- Appointment of Transition Team ✓
- Appointment of Executive Director of TJJD
- Appointment of Advisory Council
- Construction of TJJD consolidated agency budget by legislative leadership
- Transition…rebuilding and moving forward.

---

**The Road Before Us**

![Opportunity Sign](image)

At the end of the day government is about teamwork and partnership and we will be proving that by working together.

*Julia Gillard*

---

**Texas Juvenile Justice Dept.**

![Group of People](image)
The 82nd Texas Legislature 2011
*A New Day: Reformation and Rebuilding*

*by Lisa A. Capers*
*Deputy Executive Director and General Counsel*
*Texas Juvenile Probation Commission*

The old saying goes that the third time is a charm. Thus, I begin the third Special Legislative Issue 2011 that will chronicle the continuing reforms at the Texas Youth Commission. This third, and I hope final, chapter of the trilogy will affectionately be entitled "A New Day: Reformation and Rebuilding." For those of you who are new to the juvenile justice field, let me recap briefly the winding road that has led us here.

In the 2007 legislative session, the "Perfect Storm" found the Texas Youth Commission (TYC) under intensive public and legislative scrutiny evolving from a sexual abuse scandal at the TYC West Texas State School in Pyote. The governor placed TYC into conservatorship, a remedy utilized only in extreme cases. A wave of new management was put into place at TYC and the legislature, under the leadership of Senators John Whitmire and Juan Hinojosa, swiftly enacted extensive reforms for the agency, which were contained in Senate Bill 103. Critical to the reforms at TYC was the additional funding that was provided to local juvenile probation departments to treat and rehabilitate more youth in the communities as a diversion from TYC commitment. These community-based programs were vital to reducing the TYC population and downsizing the state institutions, which was a fundamental component of the 2007 reforms.

Prior to the 2009 legislative session, in October 2008, the governor and legislative leaders brought a progressive new leader to TYC as Cherie Townsend took the helm as Executive Commissioner of the agency. In the 2009 legislative session, the "Sunset after the Storm," both TYC and the Texas Juvenile Probation Commission (TJPC) were under Sunset review. Sunset review is the periodic, formal process the legislature uses to determine if a state agency is still useful and viable or if it is time for the sun to set on that agency (i.e., complete abolishment or significant restructuring of the agency). The Sunset Commission is composed of five Senate members, five House members, and two public members. The staff of the Sunset Commission conducts extensive research into each agency and prepares a report and recommendation that is presented to the formal Sunset Advisory Commission members. In 2009, the Sunset Commission staff recommended that both TJPC and TYC be abolished and that a new agency be created...the Texas Juvenile Justice Department (TJJD). The Sunset Commission members voted on this recommendation in January 2009 and, in a close 6 to 5 vote, approved the recommended creation of a new juvenile justice agency. The vehicle for this move was ultimately House Bill 3689 by Representative Ruth McClendon. The concept of a consolidated system faced significant opposition, and ultimately the final legislation kept both agencies separate and distinct and required greater collaboration and consolidation. House Bill 3689 also contained additional reform measures for TYC, continuing the work that had begun in Senate Bill 103 the prior session. Additionally, TJPC received approximately $48 million in additional funding to assist local juvenile probation departments in creating and expanding community-based programs to divert additional youth from TYC.
Both TYC and TJPC ended 2009 and began 2010 working hard to implement the reforms and new responsibilities resulting from the 2009 legislative session. Local juvenile probation departments proved extremely successful in diverting additional youth from TYC commitments using the expanded state funding provided to assist them.

Toward the latter part of 2010, TYC once again was in the media and legislative leadership watched with keen interest. Despite reorganization, extensive investigations, sweeping legislative reforms and progressive new management, TYC found itself in a swell of controversy in August of 2010. Four advocacy groups called on the U.S. Department of Justice to once again investigate TYC. The groups alleged that juvenile offenders in TYC custody were routinely assaulted, excessive force and unjustified restraints were being used, mental health care and educational services were lacking, and ultimately youth were living in fear because of inadequate security conditions. The advocacy groups included Texas Appleseed, Advocacy, Inc., National Center for Youth Law (California), and the Center for Public Representation (Massachusetts). Legislative leaders began to question whether the reforms of 2007 and 2009 were successful, and this was ultimately the beginning of the end.

Both TYC and TJPC were up for Sunset review again in 2011, a rare occurrence indeed to have a second Sunset review in back-to-back legislative sessions. In November 2010, the Sunset Advisory Commission staff released their report, which recommended continuation of TYC and TJPC as separate agencies. Ironically, but expectedly, the Sunset Advisory Commission members ignored this recommendation and at their January 12, 2011 meeting, the Commission tacitly acknowledged their opinions that the reforms had not worked. Therefore, in a unanimous vote, the Commission recommended that both TYC and TJPC be abolished and a new combined agency be created named the Texas Juvenile Justice Department (TJJD).

Key legislators stated that the timing was right to consolidate the two agencies, especially in light of the state budget difficulties facing the 2011 Legislature. Senator John Whitmire stated, “The timing could not be better.” Lawmakers saw the 2011 session as an opportunity to create a new agency that could be a model of fiscal responsibility in tight budget times while promoting more effective treatment of youth in locations closer to home. The national trend away from institutionalizing juvenile offenders and promoting use of community-based treatment programs was seen as a significant cost savings opportunity for Texas while creating an effective strategy for rehabilitating youth. Thus, the road was chosen…a new consolidated juvenile justice system.

Under the leadership of Representative Jerry Madden and Senator John Whitmire, Senate Bill 653 became the vehicle for the merger and creation of TJJD. The bill received overwhelming support from a coalition of state and national advocacy groups. Equally as important, if not more important, was the fact that local juvenile probation departments generally supported the merger and expressed their commitment to making a community-based system successful...a commitment that they had already shown historically and especially since 2007 by successfully diverting hundreds of additional youth from TYC. For many years prior, local counties were not supportive of a consolidated system, so this reversal of that position was critical to the success of the plan. Clearly, the writing was on the wall and the merger was relatively certain, so many who had previously opposed such a plan agreed that being a partner and helping shape the new system was preferable to opposing what undoubtedly was going to happen anyway.

After all the twists and turns of the session, it truly is now a new day for Texas juvenile justice and we must begin the reformation and rebuilding of the system. While the task ahead to consolidate TYC and TJPC into one effective and efficient agency is a monumental task, it is the path before us. The path most certainly will be filled with obstacles, but also with great opportunities. Author Charles R. Swindoll has stated, “We are all faced with a series of great opportunities brilliantly disguised as impossible situations.” This quote seems to fit this situation perfectly. The work ahead to create the Texas Juvenile Justice Department and form it into the model that the state and nation believe it can be is a daunting task. The bottom line is that we must keep the ultimate vision on our horizon...providing youth and families with the best programs and services possible. That is the goal and the opportunities ahead of us are numerous. Let’s begin the journey together...never underestimate Texas juvenile justice professionals and what we can do. It’s a new day, so bring it on!
Sunset Legislation Overview 2011
Senate Bill 653 by Whitmire
Signed by the Governor May 19, 2011

KEY PROVISIONS

☆ **Structure. [Article 4. Sec. 4.001]** Abolishes the Texas Youth Commission and the Texas Juvenile Probation Commission and transfers the powers and duties of both agencies to the newly created Texas Juvenile Justice Department (TJJD) effective December 1, 2011.

☆ **Transition Team. [Sec. 201A.001]**

  - **Creation.** Creates seven (7) member transition team appointed by the Governor and chaired by the Governor’s representative composed of:
    - Representative of TJPC appointed by the TJPC Board
    - Representative of TYC appointed by the TYC Board
    - Representative of the Governor
    - Representative of the Lieutenant Governor
    - Representative of the Speaker of the House
    - One member who is an advocate of youth, families and/or victims
    - One member who has experience with organizational mergers

  - **Powers and Duties.**
    - Coordinate and oversee the transition of services and facilities from TJPC and TYC to TJJD (September 2, 2011 – November 30, 2011).
    - Assist TJJD and advise the TJJD board in implementing the transition of services and facilities from TJPC and TYC to TJJD (December 1, 2011 – February 29, 2012).
    - Prepare transition plan that shall include short-term, medium-term, and long-term transition goals for TJJC and may include benchmarks and timelines as appropriate (December 1, 2011 – February 29, 2012).

☆ **Transition Time Period. [Sec. 201A.051]** Bill creates transition period from September 1, 2011 through March 31, 2012.

☆ **Governing Board. [Sec. 202.001]**

  - **Creation.** Creates 13 member governing board for new agency:
    - 1 juvenile district court judge
    - 3 members who are members of a county commissioners court
    - 1 juvenile court prosecutor
    - 3 chief juvenile probation officers (representing small, medium and large counties)
    - 1 adolescent mental health treatment professional
    - 1 educator
    - 3 members of the public
- **Membership.** Judge, members of commissioners courts, prosecutor and chief juvenile probation officers cannot be from same county or judicial district.

- **Mission of Agency.** [Sec. 203.001] Board shall establish mission of department with the goal of establishing a cost-effective continuum of youth services that emphasize keeping juveniles in their home communities while maintaining the interests of rehabilitation and public safety. Board shall establish funding priorities that support mission and do not provide incentives to incarcerate youth.

- **Rules.** The Board has the responsibility for reviewing and approving rules appropriate to the proper accomplishment of the department’s functions.

- **Policies.** The Board may delegate to the Executive Director the responsibility for adopting policies appropriate for the proper accomplishment of functions related to state-operated facilities and the department's personnel.

☆ **Sunset. [Sec. 202.010]** Bill sets new sunset date of September 1, 2017.

☆ **Prevention and Intervention Services. [Sec. 203.0065]** The department shall provide prevention and intervention services for at-risk youth age 6-17 that are subject to compulsory school attendance or under juvenile court jurisdiction. The department shall plan, develop and administer a comprehensive and unified statewide delivery system for prevention and intervention services. The department may subcontract this function to a qualified independent services provider.

☆ **Advisory Council. [Sec. 203.0081]**

- **Creation and Membership.** Creates 13 member advisory council on juvenile services for new agency that consists of:
  - Executive Director of TJJD or director’s designee
  - Director of probation services of the department or the director’s designee
  - Executive Commissioner of HHSC or designee
  - One representative of the county commissioners court appointed by the board
  - Two juvenile court judges appointed by the board
  - Seven chief juvenile probation officers appointed by the board

- **Appointments.** Board appoints one chief juvenile probation officer from each regional chiefs association from list of nominees submitted by each regional chiefs association. Lists submitted by regional chief’s associations shall include representation from small, medium and large counties. Advisory council members serve staggered two-year terms, with one-half of the members expiring on February 1 of each year.

- **Duties.** The advisory council shall assist the department in:
  - Determining the needs and problems of county juvenile boards and probation departments;
  - Reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services or facilities;
  - Analyzing the potential cost impact of new standards; and
  - Advising the board on any other matter on request of the board.

- **Timelines.** Initial members of Advisory Council on Juvenile Services shall be appointed not later than December 1, 2011.

☆ **Abuse, Neglect and Exploitation Data. [Sec. 203.0105]** Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by law to be reported to TJJD or local juvenile boards, shall be provided to the office of the independent ombudsman.
**Appeals.** [Sec. 203.011] A juvenile probation department may appeal a decision of the executive director to the board. Appeals may include decisions relating to standards affecting juvenile probation programs, services, or facilities. The board’s decision is final.

**Toll Free Number for Abuse and Neglect.** [203.014] The department must establish a toll free number for the reporting of abuse, neglect or exploitation in state and county facilities. Toll free number must be prominently displayed in all state and county facilities. Children in state or county custody and employees of the state or county facility shall have confidential access to telephones for purpose of calling the toll-free number. The department must provide staff to answer calls 24 hours a day, every day.

**Programs and Services Evaluation System.** [203.015] The department shall establish and implement a system to evaluate the effectiveness of county and state programs and services for youth.

**Charter Schools.** [Sec. 221.0071] Authorizes the State Board of Education to grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders.

**Strategic Plan.** [Sec. 221.009] The board shall develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, and make those measures publicly available online, and use those measures in determining funding levels for programs and services.

**Employee Grievance System.** [Sec. 242.004] - The Department must provide an employee grievance system, including an opportunity to participate in Independent Dismissal Mediation if recommended for termination.

**Background Checks for TJJD Employees.** [Sec. 242.010] - The Executive Director must review state criminal history record information, and previous and current employment references and annually review the national criminal history record information of each person who:
  - is an employee, contractor, volunteer, ombudsman, or advocate working for the department or in a department facility or facility under contract with the department;
  - provides direct delivery of services to children in the custody of the department; or
  - has access to records in department facilities or offices.
- The Board must adopt rules requiring those people to submit a complete set of fingerprints to enable the Executive Director to conduct the review.

**Zero-Tolerance Policy.** [Sec. 242.101] The provision requiring that a zero-tolerance policy concerning detection, prevention and punishment of sexual abuse be adopted has been amended to require it be adopted and enforced.

**Office of Inspector General.** [Sec. 242.102] - The chief inspector general now reports directly to the Board rather than to the Executive Director.
- The chief inspector general has the responsibility of investigating alleged crimes or delinquent conduct by department employees or in department facilities or programs. Alleged crimes in non-department run facilities or programs must be referred to the appropriate local law enforcement authority.

**Initial Examination of a Child upon Receipt by the Department.** [Sec. 244.001] - The initial examination must be conducted within 3 business days after commitment rather than as soon as possible.
- The study made as a result of the initial examination has been amended to include specialized treatment planning in addition to long-term planning for the child.
- The study must include sex offender history and violent offense history in addition to medical history, substance abuse, treatment history, and psychiatric history.
- As soon as possible, the department must develop a written treatment plan for each child outlining the specialized treatment needs identified by the study, making recommendations to meet the needs, and making an individually tailored statement of treatment goals, objectives, and timelines. The Board is required to make rules for the periodic review and re-evaluation of the written treatment plan.
For children assigned a minimum length of stay of one year or longer, the requirement for a psychiatric evaluation is waived if the department received the results of a comprehensive psychiatric evaluation less than 90 days before the date of the initial examination.

**Ombudsman.** [Sec. 261.101] The Ombudsman now is required to:
- review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; and
- report a possible standards violation by a local juvenile probation department to the appropriate division of the department (TJJD).

**Juvenile Case Management System.** [Sec. 2.002] The Juvenile Case Management System (JCMS) is not subject to Subchapter L, Chapter 2054, Government Code, relating to DIR oversight.

**Closed TYC Facilities.** [Sec. 4.007] Bill authorizes the new agency to transfer a closed facility to the county or municipality in which the facility is located if the facility will be used for a purpose that benefits the public interest of the state. If property not used for public purpose, ownership of property automatically reverts back to TJJD. This applies only to facilities in counties with a population of less than 100,000.

**American Correctional Academy Accreditation.** [Article 4, Section 4.001]
- The provision requiring TYC to develop a plan to seek ACA Accreditation for all facilities has been repealed.

**Payment to Certain Employees Prohibited.**
- Personnel [242.004]. The Department may employ personnel within the limitations specified by legislative appropriations. Currently, TYC may not employ registered sex offenders or anyone convicted of a 3g offense.
- Appropriations Prohibited for Purposes of Payment to Certain Employees [Appropriations Act for 2012 and 2013]. None of the appropriations made by this Act to the Youth Commission (TYC) may be distributed to or used to pay an employee of TYC who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or has been convicted of an offense described in Article 42.12, Section 3g, Code of Criminal Procedure. This provision will be new for TJPC employees.

---

### Senate Bill 653 (Enrolled)
**Statutory Timelines for Creation of the Texas Juvenile Justice Department**

<table>
<thead>
<tr>
<th>Benchmark Event</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date of Bill</td>
<td>September 1, 2011</td>
</tr>
<tr>
<td>Appointment of Transition Team</td>
<td>September 2, 2011 – October 1, 2011</td>
</tr>
<tr>
<td>Appointment of TJJD Governing Board</td>
<td>September 2, 2011 - December 1, 2011</td>
</tr>
<tr>
<td>Appointment of TJJD Executive Director</td>
<td>(not specified)</td>
</tr>
<tr>
<td>Transition Team to coordinate and oversee the transition of services and facilities from TJPC and TYC to TJJD</td>
<td>September 2, 2011 – November 30, 2011</td>
</tr>
<tr>
<td>Transition Team to advise TJJD and prepare a transition plan</td>
<td>December 1, 2011 – February 29, 2012</td>
</tr>
<tr>
<td>Abolishment of TJPC and creation of TJJD</td>
<td>December 1, 2011</td>
</tr>
<tr>
<td>Appointment of Members to Advisory Council on Juvenile Services</td>
<td>December 1, 2011</td>
</tr>
</tbody>
</table>
On September 1, 2011, Governor Perry appointed the statutory transition team to coordinate and oversee the transition of services and facilities to the new agency. Members of this Team are:

- **Chelsea Buchholtz** is a policy advisor for the Office of the Governor Budget, Planning, and Policy Division and handles matters pertaining to criminal and juvenile justice, public safety, and military and veterans affairs.

- **Albert Hawkins** is a public policy consultant and the former executive commissioner of the Texas Health and Human Services Commission.

- **Representative Ruth McClendon** is the state representative for Texas House District 120 in San Antonio. She has authored and co-authored numerous bills relating to improving the juvenile justice system in Texas. She is also a former juvenile probation officer and administrator of the Bexar County Juvenile Probation Department.

- **David “Scott” Matthew** is the chief juvenile probation officer of Williamson County Juvenile Services and a municipal judge for the cities of Jarrell and Granger. He is a member of the State Bar of Texas, Texas Probation Association, Texas Municipal Court’s Association, and a board member of the Georgetown Project and the Boys and Girls Club of Georgetown.

- **Debbie Unruh** is the Independent Ombudsman of the Texas Youth Commission.

- **Vicki Spriggs** is the executive director of the Texas Juvenile Probation Commission.

- **Cherie Townsend** is the executive director of the Texas Youth Commission.

The purpose of the transition team is to:

- Coordinate and oversee the transition of services and facilities from TJPC and TYC to TJJD (September 2, 2011 – November 30, 2011).

- Assist TJJD and advise the TJJD board in implementing the transition of services and facilities from TJPC and TYC to TJJD (December 1, 2011 – February 29, 2012).

- Prepare transition plan that shall include short-term, medium-term, and long-term transition goals for TJJC and may include benchmarks and timelines as appropriate (December 1, 2011 – February 29, 2012).