

**SUBJECT:** Extending juvenile detention orders in certain counties

**COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended

**VOTE:** 8 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, Smith, Williams

0 nays

1 absent — A. Reyna

**SENATE VOTE:** On final passage, April 4 — voice vote

**WITNESSES:** None

**BACKGROUND :** A child taken into custody may be detained under certain circumstances until a disposition hearing is held. The child must receive an initial detention hearing within a certain time limit, and the initial detention order may not last for more than 10 working days. A court may issue further detention orders following subsequent detention hearings, each limited to 10 working days. The initial detention hearing may not be waived, but subsequent detention hearings may be waived. Children must be detained in juvenile detention facilities certified to meet state requirements.

**DIGEST:** CSHB 298 would allow subsequent detention orders in counties that do not have certified juvenile detention facilities to extend for up to 15 working days.

The bill would take effect September 1, 1997.

**SUPPORTERS SAY:** CSHB 298 would meet a practical need in Texas counties where there are no certified juvenile detention facilities. Currently, if those counties detain a child, they must transport the child to another county that does have a certified juvenile detention facility. For every detention hearing, they must transport the child back and forth between the court in one county and the detention facility in the other county. This is a very expensive burden on counties, and CSHB 298 would help address this by extending the time

between required detention hearings by five days. Transporting children fewer times would reduce costs for these counties.

Extending subsequent detention orders would not substantially affect the rights of children, and it would help counties reduce a growing problem with children who abuse the detention hearing system. Many children will be transported to the court for a hearing and then waive the hearing once they get there just to have an opportunity to visit with family who show up for the hearing. This type of abuse is costing counties significant amounts of money, and would be reduced by CSHB 298.

OPPONENTS  
SAY:

CSHB 298 would unfairly reduce the procedural rights of children solely on the basis of what county has taken them into custody. Subsequent detention orders are limited to 10 days in order to protect children; counties should not be able to ignore that protection simply because they do not have a certified juvenile detention facility. The procedural rights of all children taken into custody in counties that would be affected by the bill should not be reduced because some may have taken advantage of the detention hearing system.

NOTES:

The committee substitute replaced the population bracket in the Senate version of the bill with a reference to counties lacking certified juvenile detention facilities and decreased the Senate-proposed limits on subsequent detention orders from 20 to 15 days.