

SUBJECT: Inspection and certification of juvenile detention and correctional facilities

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Eiland, Farias, Farrar, Gonzalez Toureilles, Hernandez

0 nays

4 absent — Dutton, Bolton, Strama, Vaught

WITNESSES: For — None

Against — None

On — Vicki Spriggs, TJPC

BACKGROUND: Family Code, sec. 51.12 requires judges of the juvenile court and a majority of the members of the juvenile board in each county in which a juvenile pre-adjudication secure detention facility or a public or private juvenile secure correctional facility used for post-adjudication confinement are located to inspect the facilities and certify that the facilities are suitable or unsuitable for the detention of children.

Human Resources Code, sec. 141.042, requires that the Texas Juvenile Probation Commission (TJPC) biennially inspect all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities except a facility operated or certified by the Texas Youth Commission for compliance with the established standards.

DIGEST: CSHB 2043 would require each judge of the juvenile court and a majority of the members of the juvenile board to inspect all public or private juvenile pre-adjudication secure detention facilities and juvenile post-adjudication secure correctional facilities used for post-adjudication confinement and certify in writing that the facilities are suitable for the detention of children.

The bill would require the TJPC to inspect each public or private juvenile pre-adjudication secure detention facility and juvenile post-adjudication

secure correctional facility and provide a report to each juvenile court judge in that county about whether it was suitable for detaining children.

In determining the suitability of a facility, the bill would require the juvenile court judges and juvenile board members to consider:

- current monitoring and inspection reports and any non-compliance citation reports issued by the TJPC, as well as the status of any required corrective action;
- current governmental inspector certification regarding local fire code compliance;
- current building inspector certification regarding local building code compliance;
- for the 12-month period preceding the inspection, the total number of allegations and the summary of the findings of any investigation by the facility, local law enforcement, or the TJPC of abuse, neglect, or exploitation reported by the facility;
- the availability of health and mental health services provided to residents;
- the availability of educational services provided to residents; and
- the overall physical appearance of the facility.

TJPC could deny, suspend, or revoke the registration of any juvenile pre-adjudication detention facility that failed to register the facility with the commission, adhere to minimum standards, or make timely corrections upon receiving notice of being in non-compliance.

A juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility could be operated by a state governmental entity or a private contractor.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 2043 would provide more guidance to local officials when performing inspections, certifying, and determining the suitability of juvenile facilities within their jurisdictions. Often, these officials have little or no training on matters pertaining to facilities standards and inspection procedures, but are held liable for their certification of facilities. To assist local judges and juvenile board members, TJPC would continue to inspect the facilities and would present their findings and determination of suitability to these officials. The bill would enable both

local and state oversight but provide additional data so local officials could make informed decisions when certifying juvenile facilities within their jurisdictions.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute differs from the original by allowing local officials to continue to inspect and certify the conditions of juvenile facilities in their jurisdictions. Further, it would require TJPC to provide annual inspection reports to the local juvenile court judges to aid in the certification process.

The fiscal note indicates that CSHB 2043 would cost \$547,740 through fiscal 2008-09. TJPC would need five additional FTEs to inspect and certify all pre-adjudication and post-adjudication juvenile facilities in the state. The cost of the additional staff is estimated at \$278,645 in fiscal 2008 and \$269,095 in fiscal 2009.