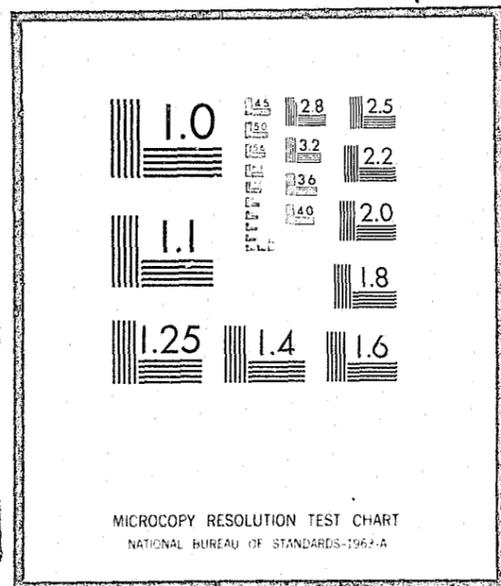


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WASHINGTON, D.C. 20531

8/15/77
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TEXAS JUDICIAL COUNCIL

A PROFILE OF JUVENILE COURT SERVICES IN TEXAS

The following report is a summary of the services available to Juvenile Courts in Texas based upon a survey conducted in August, 1976. The primary focus of this report is directed to a statewide overview of the Juvenile Justice System. A more extensive analysis of that system will be published in the early summer of 1977.

This report was made possible through the cooperation of juvenile probation officers and judges throughout the State. The Judicial Council expresses its appreciation to the many persons who responded to the survey.

Your comments on the results of the survey will be greatly appreciated. Please forward any questions, suggestions or criticisms you may have to the address below.

NCJRS

MAR 31 1977

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A PROFILE OF JUVENILE COURT SERVICES

INTRODUCTION

Title 3 of the Texas Family Code governs proceedings concerning the conduct of persons under 17 years of age. These proceedings are held in a juvenile court. In Dallas and Harris counties, statutorily-created Juvenile Courts handle these cases. In all other counties, one or more of the "regular courts" of the county is designated to sit as the juvenile court. The resources and programs developed by these courts to deal with juvenile referrals vary to some degree in each county.

In August, 1976 a questionnaire was directed to each juvenile court in the state requesting certain basic information about their juvenile justice programs. Responses were received from 228 (90%) counties. Data from these responses were used to compile the following sections of this report.

JUVENILE COURT

Title 3 of the Family Code places two restrictions on which court or courts in a county may be designated the juvenile court. First, they must be either a district, criminal district, domestic relations, juvenile, county court at law or "constitutional" county court. Second, the judge of the court(s) designated must be an attorney licensed to practice law in Texas.

The designation of the court or courts to sit as the juvenile court in a particular county is made by the juvenile board of the county, or if there is no juvenile board, by the judges of the courts in the county which would be eligible for designation as the juvenile court.
(Whether the Judge is an attorney or not)

"Juvenile Boards" are created in specific counties by statute. Membership of these juvenile boards usually includes all the trial judges in the county (except Justices of the Peace and Municipal Court Judges) and sometimes other officials, such as the District Attorney. Besides designating the court(s) to serve as the juvenile court, the juvenile board may be empowered to appoint juvenile probation officers and perform other administrative functions regarding programs in the county concerning children.

Prior to the enactment of Title 3 in 1973, in most counties, the "constitutional" county court had been designated to sit as the juvenile court. At the time of this survey, however, in most counties the district court had been designated. (See Table 1)

TABLE I: DESIGNATED JUVENILE COURTS IN TEXAS
(254 counties)

Designated Juvenile Court	Number of Counties	
District Court	189	(74%)
Domestic Relations Court	9	(4%)
Statutory Juvenile Court	2	(1%)
County Court at Law	9	(4%)
Constitutional County Court	45	(17%)
TOTAL	254	(100%)

Most of the designated juvenile courts surveyed in the state indicated that juvenile matters comprised less than 20% of their dockets. In 15 counties the juvenile docket was rotated to other courts on a regular basis.

A recently enacted law allows the juvenile board or, if there is no juvenile board, the juvenile court to appoint "referees."

A referee can conduct juvenile hearings in place of the regular juvenile judge. Thirty-three counties (15%) indicated that at least one referee was utilized. The referee must be a licensed attorney and is paid from county funds.

PROSECUTION, DEFENSE AND LAW ENFORCEMENT

Juvenile cases were prosecuted by county attorneys in 163 (71%) of the counties surveyed. District Attorneys prosecuted in 57 (25%) counties while 6 counties reported that both the county attorney and district attorney shared the responsibility for prosecuting juveniles. In Travis County a special family court prosecutor handles juvenile cases.

Juvenile cases may be defended by court appointed attorneys, private counsel, legal aid attorneys or public defenders. The survey indicated that juvenile cases were defended most often by court appointed attorneys. One hundred and twenty-nine counties indicated that defense attorneys were appointed by court in 75-100% of their juvenile cases. Legal aid attorneys were utilized in only Travis and Zavala Counties and public defenders in only Travis County.

Fifty-five (55) counties reported that at least one law enforcement officer (sheriff's deputy, police officer) was assigned full-time to juvenile cases. Four (4) of these were active in counties that were without formal juvenile probation services.

JUVENILE COURT SERVICES

Table II illustrates the range of services available to juvenile courts. A majority of the specialized services are available through county and state agencies: county probation departments, county health

departments, Texas Department of Welfare, Texas Department of Mental Health-Mental Retardation, Texas Rehabilitation Commission, and Texas Employment Commission. Most of the surveyed counties had access to medical and psychiatric/psychological services. Approximately two-thirds of the counties reported access to alcohol counseling and 65% had access to family counseling services. Local probation departments coordinate the placement of children to these specialized resources and in many circumstances these services are paid for from county funds.

TABLE II. SERVICES AVAILABLE TO JUVENILE COURTS IN TEXAS
(Based upon 228 reports)

Service	Percent of Reporting Counties with Identified Service
Physical Examination	59%
Psychiatric/Psychological Testing Evaluation	78%
Psychiatric/Psychological Therapy	53%
Vocational Training	46%
Employment Placement	44%
Emergency Shelter (short-term residential care for less than 10 days)	37%
Foster Family Home (fulltime care for less than 6 children for more than 10 days)	26%
Foster Group Home (fulltime care for 7-12 children for more than 10 days)	17%
Halfway House (fulltime care for 12-24 children for more than 10 days)	9%
Drug Counseling	61%
Alcohol Counseling	64%
Family Counseling	65%

The survey indicated that more than half of the responding counties had access to services that the juvenile court considered adequate and that additional services would not improve the quality of their present programs.

Approximately 40% (89 counties) of the respondents indicated that additional services would be beneficial to their juvenile court programs. Eighty-four counties itemized the services that would ideally compliment their existing resources. The most frequently identified of these services were alternative placement facilities. (See Table III)

STATUS OFFENDERS

Children referred to juvenile court for behavior that would not be criminal if that behavior was committed by an adult are usually referred to as "status offenders."

The survey asked each court whether adequate facilities were available in their respective jurisdiction should the juvenile court decide to divert such offenders from detention. Of the 228 counties responding, 176 (77%) counties indicated that there were not adequate facilities available to divert status offenders if the court should desire to do so. Thirty-one (14%) counties indicated that such facilities were adequate while 21 counties did not respond to the question.

TABLE III: ADDITIONAL NEEDED SERVICES IDENTIFIED BY
 JUVENILE COURTS IN TEXAS
 (Based upon 84 responses)

Service	Number of Counties Indicating Need for Additional Services
Psychiatric Assessment and Evaluation Services	19
Psychiatric/Psychological Therapy	16
Dental Care Services	10
Alternative Placement Facilities	60
Special Services for Mentally Retarded Youths	12
Family Counseling	18
Alcohol Counseling	14
Alternative Educational Programs	17
Volunteer Services	9
Employment Placement	16
Drug Counseling	12
Medical Examination	9
Juvenile Detention Facilities	11
Additional Staff	14
Juvenile Probation Services	3

JUVENILE PROBATION SERVICES

A juvenile probation officer is a county employee whose services are paid for from county funds. Juvenile probation officers are primarily responsible for investigating and counseling children before the court, therefore, the term "Juvenile Probation Officer" is somewhat a misnomer in Texas. Most juvenile probation departments perform functions in the community other than the supervision of post-disposition probationers as the term implies. Juvenile probation officers are juvenile court workers. Their work usually begins at the time of referral by police. The bulk of their work lies in social investigations and social casework with the juvenile offender and his family.

The functions performed by juvenile probation officers in Texas are not standardized, each department sets its own standards according to the problems, resources and needs of its jurisdiction.

A majority of the state's 254 counties have formalized juvenile probation services. In 1975 approximately 165 counties had such services; in 1976, 215 counties indicated that juvenile probation services were available. Only 39 counties (15%) of the 254 counties in Texas reported that they do not have such services.

Thirty of the thirty-nine counties that reported the absence of juvenile probation services responded to the questionnaire. In the majority of cases (17) juvenile probation services were not available because there were few if any juvenile problems in their counties.

In Texas there are a total of 135 juvenile probation departments which provide services to 215 counties. In 106 counties, juvenile probation personnel work only within the boundaries of their respective counties. Of these departments 40 percent administer adult and juvenile programs. Adult and juvenile probation casework is performed by the

same officers in two-thirds of these departments.

Services in the remaining 109 counties are provided by twenty-nine (29) district juvenile probation departments. Twenty-three departments returned questionnaires. Of this group, combined adult and juvenile probation services were administered in 18 counties and the same officers handled adult and juvenile casework in 84 percent of these counties.

The size of juvenile probation departments ranged from 169 professional and paraprofessional employees in Harris County to a part-time officer who may also work in another unrelated work environment. There were a total of 852 professionals and paraprofessional personnel employed by the 135 departments identified by the survey.

Although there are presently no statewide standards for education or experience for juvenile probation officers, approximately 55% of the juvenile probation departments have their staff regularly attend formal job-related training throughout the year. Thirty-nine percent of the juvenile probation departments provide their entry level staff with formal in-service training prior to assigning officers a caseload. The Institute for Contemporary Corrections provided training to a majority of the juvenile probation departments in the State.

Volunteer programs have yielded additional manpower for juvenile probation departments. Forty-four departments indicated that volunteers were used in various capacities. Volunteer programs had as many as 580 persons working on a regular basis throughout the year in Dallas County to part-time volunteers in the less populous counties.

DETENTION FACILITIES

A child taken into custody may be temporarily detained in a suitable place of detention in certain instances. The juvenile court con-

trols the conditions and terms of detention and detention supervision.

According to Section 51.12, Title 3, Texas Family Code, in each county the judge of the juvenile court and the members of the juvenile board, if there is one, must personally inspect the detention facilities at least annually and certify in writing that such facilities are suitable or unsuitable for the detention of children.

The respondents to the survey identified 154 counties with at least one detention facility available for use by the juvenile court. A vast majority of the detention facilities used to detain juveniles in Texas were described as county jails. One hundred and fourteen county jails; 18 city jails; and 17 juvenile detention homes were identified. A majority of the juvenile detention homes were located in the more densely populated counties in the state. The remaining 74 counties indicated that there were no juvenile detention facilities within their county jurisdictional limits. As to whether these facilities were certified, 75% (115 counties) had been certified, 6% did not respond while 19% (30) of the counties reported that their juvenile detention facilities had not been certified. Twenty-four hour supervision was provided in 80% of the detention facilities. The total juvenile-only capacity ranged from 108 children in Harris County to one child in the less populous counties.

The Texas Judicial Council acknowledges the assistance of the Criminal Justice Division, Office of the Governor, for financial support toward publication of this report. The fact that the Criminal Justice Division furnished financial support to the activity described in this publication does not necessarily indicate the concurrence of the Criminal Justice Division in the statements or conclusions contained herein.