

## **BILL ANALYSIS**

H.B. 2821  
By: White  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Local leaders and advocates have raised concerns relating to children who are in foster care being referred to the juvenile justice system for trauma-related behavior by general residential operations (GROs). Among those concerns is that children who were placed in a GRO could face criminal charges for the same behavior and trauma the GRO indicated it would address when it accepting the child. It has been suggested that too often children are pushed from these settings into the juvenile system for misdemeanors arising out of behaviors associated with the trauma they suffered prior to and during their time in foster care. To provide these young people the opportunity to continue to receive needed help and support to heal from their trauma, and not to be criminalized for it, H.B. 2821 seeks to require local juvenile probation boards to create policies to divert young people from general residential operations out of the juvenile system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2821 amends the Family Code to require the person conducting a preliminary investigation of a child who is referred to juvenile court to refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile services provider on making a determination that the child resides in a general residential operation.

H.B. 2821 amends the Human Resources Code to require the behavior intervention instruction for staff members of a residential child-care facility who work directly with children to include crisis response training for emergency behavior intervention with a goal of limiting law enforcement involvement.

H.B. 2821 requires a juvenile board to establish policies that prioritize the following:

- the diversion from referral to a prosecuting attorney under the juvenile justice code of children who are residing in a general residential operation, particularly children alleged to have engaged in conduct constituting a misdemeanor involving violence to a person; and
- the limitation of detention, to circumstances of last resort, of children who are residing in a general residential operation.

The bill requires a juvenile board, for purposes of monitoring the success of those policies, to track the following:

- the number of children referred to the board who reside in a general residential operation;
- the number of such children who receive deferred prosecution or are referred to the juvenile probation department; and
- the general residential operation where such a child resides.

**EFFECTIVE DATE**

September 1, 2021.