

SUBJECT: Continuing the Texas Juvenile Probation Commission

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 9 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, A. Reyna, Smith, Williams

0 nays

WITNESSES: For — None

Against — None

On — Ken Levine and Michael Johnson, Sunset Commission

BACKGROUND : The Legislature created the Texas Juvenile Probation Commission (TJPC) in 1981 to address an overwhelming need in Texas for juvenile probation services. At that time, more than 12,000 youths were held in adult jails in violation of federal law because there was a lack of juvenile detention facilities. Currently, the TJPC has three main duties: to provide funding to juvenile probation departments at the county level for such probation services as delinquency prevention, informal probation, and court-ordered probation; to provide training and assistance to juvenile probation boards and departments regarding fiscal management, case management, and delinquency prevention; and to establish uniform probation standards and conduct audits to ensure compliance by local probation authorities. The TJPC assists local juvenile probation departments to improve effectiveness of probation services and provide alternatives to committing delinquent children to the custody of the state — it does not provide any services directly to juveniles.

In 1995, the Legislature directed the TJPC to develop a “standard assessment tool” for mental health screening of youths referred to the juvenile justice system. In response, the TJPC developed the Initial Needs Assessment Tool and provides the training necessary for probation officers to administer the screening tool. Currently, juvenile probation departments are not required to use the screening tool.

The TJPC is governed by a nine-member board appointed by the governor with Senate consent to staggered six-year terms. Two members must be district court judges who sit as juvenile court judges, one member must be a county judge or commissioner, and six members must be public representatives who are not employees in the criminal or juvenile justice system. The governor designates one board member as chair. The TJPC receives funding primarily from general revenue, but also receives some federal reimbursement for costs associated with residential placements of juvenile offenders. For fiscal year 1996, the TJPC received an appropriation of \$103,372,401, including \$37.5 million from general obligation bonds, and had 41 full-time employees.

The TJPC is subject to the Sunset Act and will be abolished on September 1, 1997, unless continued by the Legislature.

DIGEST: CSHB 2073 would continue the TJPC until September 1, 2009.

Contract standards and monitoring. TJPC contracts with counties for local probation services would have to contain clearly defined goals, outputs, and measurable outcomes related directly to program objectives; clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and clearly specified accounting, reporting and auditing requirements applicable to money received under the contract. The TJPC would have to require local juvenile probation departments to include these contract standards in their contracts with private service providers that involve the use of state funds and to use data relating to prior contract performance of private service providers as a factor in selecting providers to receive contracts.

The TJPC also would have to establish a formal program for monitoring its contracts. The monitoring program would have to track compliance with financial and performance requirements using a risk assessment methodology and obtain and evaluate program cost information to ensure that all expenses, including administrative costs, were reasonable and necessary to achieve program objectives.

Standards for local probation departments. The TJPC would be required to adopt rules that provide standards for the collection and reporting of information about juvenile offenders by local probation departments, performance measures to determine the effectiveness of probation services provided by local probation departments, and case management standards for all probation services provided by local probation departments. The TJPC would be required to monitor local probation departments for compliance with its standards and measures and provide technical assistance to local probation departments to aid such compliance.

Standards for out-of-state juvenile inmates. The only entities that would be authorized to operate a correctional facility to house out-of-state juvenile inmates would be the state, counties or municipalities, and private vendors operating a facility under a contract with a county or municipality. The TJPC would have to develop rules, procedures, and minimum standards applicable to county or private correctional facilities housing out-of-state juvenile inmates. Contracts for housing out-of-state juvenile inmates would have to require the county, municipality or private vendor to operate the facility in compliance with the TJPC's minimum standards.

Medicaid benefits. The TJPC would be required to identify areas in which federal Medicaid program benefits could be used in a cost-effective manner for children in the juvenile justice system; develop a program to encourage application for and receipt of Medicaid benefits; and monitor the extent to which counties make use of those benefits.

Mental health screening. Juvenile probation departments would be required to use the mental health screening tool developed by the TJPC or a similar tool developed by a juvenile probation department and approved by the TJPC. They also would be required to report information relating to test results to the TJPC in the manner it prescribes.

Standard sunset provisions. CSHB 2073 would update or modify standard sunset provisions already in the TJPC's enabling statute addressing commission member appointment and removal; gubernatorial designation of the commission's presiding officer; development of an intra-agency career ladder, a system of annual employee performance evaluations, and an equal

employment opportunity policy; and information on standards of conduct to commission members and employees.

The bill also would add to the TJPC's enabling statute standard sunset provisions addressing commission member training; separation of policymaking and management responsibilities; and development of an accessibility plan and compliance with state and federal accessibility laws.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 2073 would continue a necessary agency and enhance its operations by improving its contracting procedures. All probation services funded by the state are through the TJPC's contracts with local juvenile probation departments. In fiscal year 1995, the TJPC had contracts totalling \$48.1 million with 168 juvenile probation departments, and subcontractors received approximately \$21.7 million to provide services such as residential placement and counseling. It is vital to ensure that Texans are getting their money's worth for such large expenditures. CSHB 2073 would meet that need by requiring more specificity in contracts regarding goals, outputs, penalties, and accounting and reporting requirements. Both the TJPC and counties subcontracting with state funds would have to include these contract standards. In addition, the bill would increase TJPC monitoring of its contracts. These provisions would help improve the services that Texas receives from the TJPC, local juvenile probation departments, and their subcontractors.

Requiring the TJPC to adopt standards for the collection and reporting of information about juvenile offenders by local probation departments would provide more statistical data and more information on outcomes of juvenile services provided. This would enable the state to track and predict juvenile crime more effectively as well as target money to those probation services that provide the greatest benefit.

Requiring the TJPC to adopt case management standards for local probation services and performance measures to determine the effectiveness of those services would help the TJPC to assess and increase the quality of local probation services. The TJPC would also provide technical assistance to help local probation departments meet those standards and monitor them for

compliance. This is vital because local probation departments supervise 98 percent of juvenile offenders and, therefore, are the component of the juvenile justice system that is best situated to break the cycle of juvenile crime.

The case management standards should apply to all local probation departments, not just those receiving 50 percent or more state funding, because they would provide consistency among departments. A major reason the TJPC was created was to ensure consistency and quality of services from local probation departments. In addition, a small percentage of state funding does not necessarily mean a small amount of state dollars. Many of the departments that receive less than 50 percent state funding are large urban departments that still are funded annually with more than \$1 million in state dollars. For example, in fiscal year 1996, Harris County received \$6,501,555 in state dollars for its juvenile probation department, which only accounted for 22.8 percent of its department's funding. Such a significant investment of state dollars merits application of TJPC standards.

The bill would save money for the state by requiring the TJPC to identify areas where federal Medicaid benefits could be used cost effectively for children in the juvenile justice system and to encourage and monitor the application for and use of Medicaid funds by county juvenile probation departments.

CSHB 2073 would strengthen the state's ability to identify the mental health needs of youth before they get too far in the juvenile justice system by requiring juvenile probation departments, as the first point of contact for delinquent youth, to provide an initial assessment on the need for mental health services. Currently, some departments provide mental health screening, some do not. Some departments use the TJPC screening tool, some do not. This bill would provide consistency by requiring all departments to provide mental health screening using the TJPC's tool or a similar tool approved by the TJPC.

CSHB 2073 would not implement a Sunset Commission recommendation that the TJPC jointly establish with the Texas Youth Commission (TYC) county pilot programs that would pool state and local funds to provide services to children within an area's juvenile justice system. Because of a

lack of funding for the pilot program, this recommendation was also removed from the TYC's sunset bill, which the House has already passed.

OPPONENTS
SAY:

The TJPC should only establish performance and case management standards for those juvenile probation departments that receive 50 percent or more state funding. Localities that provide the majority of the funding for their juvenile probation departments should not be burdened with this type of state regulation.

CSHB 2074 should implement the Sunset Commission recommendation for the TJPC and the TYC to jointly establish county pilot programs. These programs would strengthen early intervention efforts at the local level and reduce the number of juvenile offenders that end up incarcerated in juvenile facilities.

NOTES:

The committee substitute deleted the requirement that the TJPC jointly establish with the TYC the county pilot programs recommended by the Sunset Advisory Commission, added the provision addressing facilities for out-of-state inmates, and clarified the provision addressing commission member training, including

The companion bill, SB 362 by Brown, has been referred to the Senate Criminal Justice Committee.