

SUBJECT: Brazoria County juvenile board and juvenile probation department

COMMITTEE: Corrections —committee substitute recommended

VOTE: 9 ayes — McReynolds, Madden, Hodge, Kolkhorst, Marquez, Martinez,
Miller, Ortiz, Sheffield

0 nays

2 absent — Dutton, England

WITNESSES: For — Marc Holder, Juvenile Board of Brazoria County

Against — None

DIGEST: CSHB 2810 would require the juvenile board of Brazoria County to employ a chief juvenile probation officer for the juvenile probation department. The chief juvenile probation officer would employ the juvenile probation department personnel necessary to provide juvenile probation services. They would be employees of the juvenile probation department and not of the juvenile board or a juvenile board member. The juvenile board and the juvenile board members would not be able to make any personnel decisions relating to the juvenile probation department, except for employing the chief juvenile probation officer.

The chief probation officer would be required to prepare a budget for the juvenile probation department. The board would approve the budget and submit it to the commissioners court for final approval in the same manner as other county agencies and departments. The responsibility of a board member for budgetary decisions about the juvenile probation department would be limited to approving the budget. The juvenile board would prepare or approve reports as required by law.

HB 2810 would add to the current law provisions that give immunity from liability to members of a juvenile board for damages arising from an act or omission committed while performing their duties as a board member. In addition to this immunity, Brazoria County juvenile board members would have judicial immunity from suit and liability arising from an act performed by, or the failure to act of, the chief juvenile probation officer

or an employee of the juvenile probation department, and for actions taken under:

- its governing statute;
- Title 3 of the Family Code (the juvenile justice code), including monitoring a child placed on probation or modifying the conditions of a child's probation; and
- any other law that imposes a duty on the juvenile board or juvenile board member.

The immunity would apply to conduct occurring on or after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

NOTES:

The committee substitute changed a reference to "a" juvenile board to make it "the" juvenile board.