

SUBJECT: Requiring more resources to explain the juvenile record sealing process

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 8 ayes — Dutton, Murr, Calanni, Cyrier, Dean, Lopez, Shine, Talarico

0 nays

1 absent — Bowers

WITNESSES: For — Brett Merfish, Texas Appleseed; Jose Flores, Texas Criminal Justice Coalition; Haley Holik, Texas Public Policy Foundation; *(Registered, but did not testify:* Nicholas Hudson, American Civil Liberties Union of Texas; Alissa Sughrue, National Alliance on Mental Illness (NAMI) Texas; Trish McAllister, Texas Access to Justice Commission; Sarah Crockett, Texas CASA)

Against — None

On — *(Registered, but did not testify:* Elizabeth Kromrei, Department of Family and Protective Services)

BACKGROUND: Family Code sec. 58.262 requires juvenile probation department employees, or certain other officials, to give a child and the child's parent, guardian, or custodian a written explanation describing the process of or eligibility for sealing juvenile records, as appropriate, when the child is referred to the juvenile probation department and upon the final discharge of a child, or on the last official action if there is no adjudication.

Some suggest that, even with the required written explanation, children and their caregivers may lack an understanding of their rights regarding the sealing of juvenile records.

DIGEST: CSHB 2027 would require juvenile probation department employees, or other officials as appropriate, to give certain information to a child and the child's parent, guardian, or custodian at the time the child was referred to

the juvenile probation department and upon the final discharge of the child, or on the last official action in the matter if there was no adjudication.

The information would include:

- a list of local resources that could help seal the child's juvenile records, including low or no cost attorneys; and
- an oral explanation of the process of or eligibility for sealing records, as appropriate, and the opportunity to ask questions about the process, provided at the time that the department employee provided the written explanation.

The Texas Juvenile Justice Department would be required to publish on its website a brochure that described the process of sealing records and listed resources that could assist children in applying to seal their records.

The bill also would require the State Bar of Texas to create and maintain an online directory of attorneys in the state who, at low or no cost, offered representation to people who were applying to seal their juvenile records. The directory would have to describe the administrative judicial regions in the state and list relevant attorneys by region.

The bill would take effect September 1, 2019.