

BILL ANALYSIS

Senate Research Center
86R18396 ADM-D

C.S.S.B. 1887
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State Affairs
4/2/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Dually-involved youth are children who interact with both the child welfare and juvenile justice systems. Conflict between the juvenile justice and welfare systems create contradictory court orders, conflicting treatment plans, duplication of services and hearings, higher placement costs, and a waste of limited resources. S.B. 1887 will allow juvenile courts to transfer or refer parts of cases to the children's courts for dually-involved youth and allow children's courts to hear these cases. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1887 amends current law relating to jurisdiction over certain child protection and juvenile matters involving juvenile offenders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.04, Family Code, by amending Subsection (a) and adding Subsection (h), as follows:

(a) Adds an exception under Section 51.0414 to the juvenile court's exclusive original jurisdiction over proceedings under this title (Juvenile Justice Code).

(h) Authorizes a juvenile court judge to refer any aspect of a suit instituted under Subtitle E (Protection of the Child), Title 5, to an associate judge appointed under Subchapter C (Associate Judge for Child Protection Cases), Chapter 201, who serves in the county, with the associate judge's consent. Provides that the scope of an associate judge's authority over a suit referred under this subsection is subject to any limitations placed by the juvenile court judge in the order of referral.

SECTION 2. Amends Chapter 51, Family Code, by adding Section 51.0414, as follows:

Sec. 51.0414. DISCRETIONARY TRANSFER FOR ADJUDICATION OR DISPOSITION. Authorizes the juvenile court to transfer a child's case, including transcripts of records and documents for the case, to a court located in a county that is exercising jurisdiction over the child under Chapter 263 (Review of Placement of Children Under Care of Department of Family and Protective Services) or 264 (Child Welfare Services) for adjudication of the case under Section 54.03 (Adjudication Hearing) or disposition of the case under Section 54.04 (Disposition Hearing). Provides that consent of the court to which the case is transferred under this section is not required.

SECTION 3. Amends Section 201.204, Family Code, by adding Subsection (e) to authorize an associate judge to hear and render an order in a suit referred to the associate judge by a juvenile court under Section 51.04 (Jurisdiction), subject to the limitations placed on the associate judge's authority in the order of referral.

SECTION 4. Makes application of this Act prospective. Provides that for purposes of this section, conduct occurred before the effective date of this Act if any element of the conduct occurred before that date.

SECTION 5. Effective date: September 1, 2019.