

Juvenile Law and Procedures

Texas juvenile law is governed primarily by Title III of the Texas Family Code. The main goals of the juvenile justice system in Texas are to provide for the safety and protection of the public, promote the concept of punishment and accountability, and provide treatment and rehabilitation of the juvenile offender in the community.

What ages fall under the jurisdiction of the juvenile court?

To invoke the jurisdiction of the juvenile court, an alleged juvenile offender must be a person who is at least 10 years of age and not yet 17, or a person who is 17 years of age or older and under 18 who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

What is delinquent conduct?

Delinquent conduct refers to the more serious category of criminal offenses. Delinquent conduct is defined to be 1) conduct that violates a penal law of Texas or the United States that is punishable by imprisonment or by confinement in jail; 2) conduct that violates a municipal or justice court order under circumstances that would constitute contempt of court; 3) conduct that violates Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code; and 4) the third or subsequent offense of driving under the influence of alcohol by a minor.

What is conduct indicating a need for supervision (CINS)?

The less severe offenses and status offenses are found in the conduct indicating a need for supervision category. Conduct indicating a need for supervi-

sion (CINS) is defined as conduct, other than jailable traffic offenses, that violates: 1) penal laws punishable by fine only or penal ordinances of any political subdivision of the state; 2) truancy; 3) runaway; 4) inhalant abuse; 5) public intoxication; 6) an act that violates a school district's previously communicated written standards of student conduct for which the student has been expelled; or 7) conduct that violates a court order for a child declared at risk.

What are the disposition options?

Disposition options for juvenile offenders fall into one of three categories: 1) dispositions without referral to court; 2) informal proceedings; or 3) formal court proceedings. Juvenile probation departments, prosecutors, and judges have the discretion to consider the Progressive Sanctions Model guidelines in determining which dispositional option is appropriate. Many local communities use diversion programs such as law enforcement first offender programs to divert juvenile cases from formal court proceedings or informal proceedings. Informal proceedings include supervisory caution and deferred prosecution. These programs are normally reserved for first time offenders and less serious offenses.

What are the probation placement options?

A child may be placed on probation for any term not to exceed the child's 18th birthday, except under the determinate sentence act. The court may choose from three types of probation placements which include 1) in the child's home or in the custody of a relative or other fit

person; 2) in a suitable foster home; or 3) in a suitable institution, except the Texas Youth Commission.

What happens if a child is certified to stand trial as an adult?

If a child is certified to stand trial as an adult, the child faces the same range of punishment that an adult would face for the same crime, except that a juvenile cannot receive the death penalty for an offense committed before turning 17 years of age. Depending on the offense, a child may be certified as an adult at the age of 14.

Is access to a juvenile's files and records limited?

The Juvenile Justice Information System is a statewide computerized database created and maintained by the Department of Public Safety. The JJIS contains juvenile offense history as well as fingerprints and photographs of juvenile offenders taken into custody for a Class B misdemeanor or higher.

At the local level, files and records concerning juveniles are found in the possession of law enforcement, juvenile probation, prosecutors' offices, and the court. Historically, these records are considered confidential and continue to be confidential, with few exceptions. Only certain individuals or entities authorized by law may have access to juvenile information unless the court grants an exception.

The law sets out certain time frames, after discharge or the last official court action in a case, in which a juvenile may be eligible for automatic restricted access and/or sealing. Either of these methods can be used to limit or prohibit disclosure of an eligible juvenile's files and records. Contact the Texas Juvenile Probation Commission for more information (www.tjpc.state.tx.us).

The information contained in this article was adapted from *Juvenile Law and the Justice System*, a brochure produced by the Juvenile Law Section (www.juvenilelaw.org) of the State Bar of Texas.