

# "When a Child Breaks the Law in Texas"

A child who breaks the law in Texas may enter a complex world of procedures, places and people called the juvenile justice system.

In Texas the ages of juvenile justice jurisdiction are 10 through 16. The handling of juveniles is strictly regulated by state law, but juvenile probation is locally administered at the county level.

## **Getting Caught**

This year, more than 130,000 Texas children picked up by law enforcement officers will enter the juvenile justice system.

For minor violations, the police may simply warn the child and parents. However, when further action is needed to protect the public or the child, or to prevent future offenses, the case is forwarded to local juvenile probation officials.

All juveniles with alleged delinquent offenses that are crimes punishable by jail for adults are fingerprinted and entered into a statewide central repository. Their criminal history record may then be accessed by law enforcement and juvenile justice agencies throughout Texas.

## **Intake - Front Door to the System**

Children arrive at the juvenile probation intake unit around the clock. They may be sick, intoxicated, injured, depressed or violent. Critical decisions must be made on the spot.

Intake officers are skilled in crisis intervention, information gathering and assessment. They resolve some cases through counseling and refer others to more appropriate social agencies. If charges are to be filed in court, intake makes the initial decision about where the child will stay pending judicial proceedings. Many are safely released to parents or guardians but others must be held in secure detention or in a shelter.

## **Who Are These Children?**

Children who break the law come from all social, racial and economic groups. Nearly half are between 14 and 15 years of age, and about three-fourths are male.

Many are charged with minor offenses or "status offenses" such as truancy or running away from home. However, one-third or more are serious offenders who may have committed crimes such as burglary, assault or murder. Substance abuse, family violence and school problems are common.

## **In Detention**

Juvenile detention centers are short-term, secure facilities. Operated by either local juvenile probation departments or private companies, they are designed to protect the community and the child, and to assure the child's appearance in court.

At intervals set by law, children in detention have detention hearings where a judge must be shown there is good cause to hold them. Children are not detained without due process of law. The more than 55 detention centers in Texas offer top quality custodial care, crisis intervention, counseling, education and many other services.

## **Waiting for Court**

When charges are filed against a child, a probation officer initiates a court investigation.

After making a detailed assessment of the child's behavior, home, school and social relationships, the officer writes a social history report to assist the judge in deciding on a plan for the child's future.

## **Going to Court**

In the court proceeding, called an adjudication hearing, the child, family and the child's attorney, appear before a judge or jury that will decide if the child committed a delinquent act or conduct indicating a need for supervision. If the child is adjudicated for the offense, the judge orders a "disposition" - a plan to protect the public and to redirect the child toward a law-abiding future.

Dispositions in most counties are based on "progressive sanctions" guidelines aiming to provide appropriate consequences and outcomes for juvenile offenders. The guidelines provide a continuum of progressive steps designed to balance public protection, offender accountability and rehabilitation.

## **What Can the Judge Decide?**

Juvenile court judges have many options from outright dismissal to long-term confinement in a correctional facility. For felony offenses, a youth 14 or older can be "certified" to stand trial in the adult criminal courts.

For other serious offenders, the Determinate Sentencing Law allows a juvenile to be confined up to 40 years, first in a [Texas Juvenile Justice Department](#) facility, followed by an optional court transfer to prison.

For less serious offenders who require confinement, the judge may order an indeterminate commitment to the Texas Youth Commission where the child may be held until his or her 21st birthday.

In most cases, however, the judge orders some form of probation supervision in the community, or placement in a private, state or local residential treatment facility.

## **A Second Chance**

Some of the youngest, least serious offenders get a second chance to prove to the court that no further action is needed to prevent future illegal activity. Those who succeed in this six-month "Deferred Prosecution" program avoid the adjudication process and continued involvement with authorities.

## **Probation - The Most Used Option**

Of all the court's choices, probation supervision is most commonly used. Because children remain in their homes and schools, probation is the least costly, least disruptive course of action.

The court-ordered rules of probation demand school attendance, good conduct, curfews and participation in specified programs, including community service and financial restitution. Probation officers enforce these rules while they help the child and family achieve positive change.

Parents are expected to participate in their child's probation program. As the source of social, emotional and financial support, the family is key to a successful probation outcome. Family counseling, parent training and support groups help parents meet the challenge of raising teenagers today.

## **Residential Placement**

Some children must be removed from their homes due to uncontrolled behavior, drug addiction, mental illness or an inadequate home environment. Children are removed from their homes only as a last resort to protect the public, to provide needed supervision and treatment, and to prevent future lawless conduct.

## **Starting Over**

The child who succeeds on probation, either at home or in an institution, gets a fresh start. The Texas juvenile justice system treats children with confidentiality and concern. Juvenile case records are not made public.

Probation practitioners work hard to see that children leaving their care and custody are better equipped to build productive, law-abiding futures. Because all children have the potential for good, they deserve our best efforts in their behalf.

## **To Learn More**

To learn more about juvenile justice in your community and how you can help, contact your juvenile probation department.