

Comments to the Texas Juvenile Probation Commission
Chapter 341 T.A.C., Sub-Chapter G
Rule § 341.36
Case Management - Screening

I. Introduction

We appreciate the opportunity to respond to the request of the Texas Juvenile Probation Commission (TJPC) for comments regarding the proposed adoption of amendments to Section 341.36 of the Texas Administration Code, implementing Section 221.003 of the Human Resources Code.

We are non-profit organizations committed to identifying and advancing juvenile justice policy solutions that maximize opportunities for youth to become productive, law-abiding adults.

To fully implement the requirements of Section 221.003 of the Human Resources Code, we suggest three changes to the proposed rule:

1. Apply the timing, administration, and reporting requirements in subsections (a)(1)-(3) to the risk and needs assessment in section (b).
2. Add a re-assessment requirement in section (b).
3. Clarify language in section (a) regarding the required screening tool.

In addition to these changes to the proposed rule, we also suggest TJPC develop educational materials for parents of referred youth so that they can better understand the assessments of their children. These educational materials would explain how the assessments were validated, what the assessment scores mean, and how the scores are used within the juvenile justice system.

II. Discussion of Suggested Changes to Proposed Rule

1. Extend the timing, administration, and reporting requirements in subsections (a)(1)-(3) to the Risk and Needs Assessment in section (b).
 - a. Timing. In order to make fully informed decisions, probation departments are required under the current rule to administer the mental health screening tool within 48 hours for detention referrals and within 14 days for non-detention referrals. Although the risk and needs assessment should also be administered as early as possible so that probation departments can make fully informed decisions on whether to detain a juvenile awaiting adjudication and under what classification, the proposed rule would create a separate timing requirement for the risk and needs assessment, requiring only that the assessment be completed before disposition. This timing complies with the requirements of Section 221.003 of the Human Resources Code, but this timing does not

allow probation departments to make fully informed decisions.¹ Because it creates a significantly different timing requirement for the assessment, the proposed rule may also complicate the intake process. We therefore strongly recommend TJPC apply the timing requirements in subsection (a)(1) to the risk and needs assessment in section (b).

- b. Administration and reporting. We also recommend that TJPC apply the administration and reporting requirements in subsections (a)(1)-(2) to the risk and needs assessment in section (b). Extending those requirements will help ensure the risk and needs assessment is administered properly and TJPC receives the assessment scores of juveniles in probation departments.

2. Add a re-assessment requirement in section (b).

A juvenile's risk and needs are likely to change while in residential placement or on probation.² Re-assessments are necessary to track a juvenile's progress in programming and to fully review a juvenile's case plan. We therefore recommend TJPC include a re-assessment period for the risk and needs assessment in section (b).

3. Clarify language in section (a) regarding the required screening tool.

Section (a) of the proposed rule refers to "a mental health screening tool," but subsections (a)(1)-(3) refer instead to "the TJPC Standard Screening Tool." We recommend TJPC change the language to clarify that probation departments are required to administer the TJPC Standard Screening Tool unless a licensed mental health professional administers a clinical assessment.

The use of validated assessments is a nationally recognized standard, and we commend TJPC on their efforts to incorporate these assessments into decisions about the treatment and placement of juveniles. To help parents become effectively involved, we suggest TJPC develop educational materials that explain how the assessments were validated, what the assessment scores mean, and how the scores are used within the juvenile justice system.

Thank you for your consideration of our comments.

Sincerely,

Disability Rights Texas
Texas Appleseed
Texas Criminal Justice Coalition

¹For example, §53.02(b)(4) of the Texas Family Code allows a child to be detained before adjudication if the child poses a threat to public safety. Unless the risk and needs assessment has been completed before this detention decision, there will be no validated assessment of the juvenile's risk factors. §343.416 of the Texas Administrative Code also requires that probation departments consider "behavior" when classifying juveniles in pre-adjudication detention.

²§341.39 of the Texas Administrative Code similarly acknowledges the need for frequent reassessments, requiring a juvenile's case plan be reviewed at least every 90 days while in residential placement.