

A report of the
**LONE STAR
JUSTICE ALLIANCE**



REIMAGINING REFORM

Strategies for Sustainable Change in the Texas Youth Justice System



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*We are now faced with the fact that tomorrow is today.
We are confronted with the fierce urgency of now. In this
unfolding conundrum of life and history, there is such a thing
as being too late. This is no time for apathy or complacency.
This is a time for vigorous and positive action.*

— Martin Luther King Jr.

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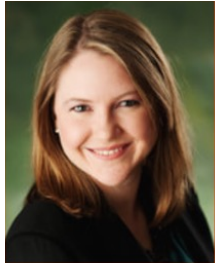
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A Note From the Authors

Reimagining Reform: Strategies for Sustainable Change in the Texas Youth Justice System reflects the Lone Star Justice Alliance’s (LSJA) journey toward developing initiatives that disrupt the current Texas youth justice system.

Since its founding in 2017, the work of LSJA has been informed by its shared understanding of the need to reimagine the Texas criminal and youth legal systems, which have been shaped by a litany of systemic injustices and well-publicized crises. By deploying key strategies based on direct experience with and feedback from justice-involved youth, LSJA has designed initiatives to increase public safety, reduce costs, and improve outcomes for youth and emerging

adults. Our work focuses on the need to enhance community-based services and expand the procedural and administrative authority to divert youth from detention and commitment in secure facilities around the state. LSJA contends that growing community-based resources will improve public safety through expanded funding to support prevention efforts and address the children’s mental health crisis. In addition, LSJA provides a meaningful procedural review of cases that consider the unique circumstances of youth and emerging adults to ensure justice and public safety are achieved. These organizational strategies acknowledge the strengths of the Texas youth justice system¹ while simultaneously recognizing the need to bring an end to institutionalized mindsets, service silos, repeated patterns, disproportionality, and

sustained crises that have plagued progress and thwarted innovation for more than a generation.

Our organization seeks to join youth, their families, advocates, youth justice professionals, and policymakers as we strive to be at the forefront of creating sustainable change. We envision a model that effectively integrates the ever-changing landscape of science, jurisprudence, and statistical research to drive evidence-based decision-making. The term model is defined as a “system or thing used as an example to follow or imitate; a representation of a proposed structure.”² Texas youth, their families, advocates, policymakers, stakeholders, and community members are, by necessity, charged with the task of collaborating to reimagine a model that adds value by improving the outcomes and experiences of justice-involved youth and families. It is essential that Texas’ brand of youth justice includes science-based best practices and is deeply rooted within a solid framework of laws that afford constitutional protections and the expectation of procedural clarity and consistency statewide.

We expect that this process will challenge the traditional notions of corrective and rehabilitative methodologies to address delinquency and ensure public safety. The resulting suggestions may create discomfort for the dedicated youth justice leaders who toil day in and day out to better the lives of our youth. Our goal is to persist through this discomfort by acknowledging the challenges these leaders face every day,

their commitment to improving lives, and the limitations imposed upon them by the existing legal, procedural, and budgetary structure. We believe that the Texas community, the youth, and families impacted by the justice system, deserve such levels of reflection, challenge, and innovation. Through this multi-siloed work, informed by the perspectives of practitioners and those directly impacted, we hope to advance a discussion that will raise the level of justice system aspirations and provide insight to spark a collaborative movement toward achieving incremental strategic change.

Through Reimagining Reform, we hope to inspire you, the reader, to take bold and actionable steps towards the improvement and innovation of the Texas youth justice system. The upcoming 89th Legislative Session in 2025 presents a unique window of opportunity to set, strategize, and accomplish system goals. By coming together with shared understandings and a clear mission, stakeholders across Texas have the opportunity to affect meaningful change in the lives of thousands of young people. Please, join us as we work towards a more equitable and effective system for our great state.

All the best,



Elizabeth Henneke, Founder and CEO



Nydia D. Thomas, Attorney & Director of Training

A Catalyst For System Change

An important aspect of identifying sustainable strategies for *Reimagining Reform* is to place in context the forces and events that have shaped current practices in the criminal and youth legal system. LSJA understands the importance of shaping justice narratives as a catalyst for system change. Within this report are significant amounts of background, contextual information, and history highlighting the long and often fraught approach Texas has taken regarding youth justice reform. The extensive information presented is necessary to paint the picture of what has been a perpetual state of reform for more than three decades, a metaphorical hamster wheel of proposed progress, plans for change, and the subsequent failure to meet proposed standards.

Reimagining Reform presents impact strategies that will assist in articulating youth justice concepts in an accessible, actionable, and qualitative way. This work involves advocating for law changes and reforms within critical policy domains. By working to amend existing laws and enact new legislation, stakeholders can establish clear guidelines for improving conditions of confinement, implement data-driven evidence-based practices, and invest in the expansion of diversions and alternatives to incarceration. Most

REIMAGINE JUSTICE INITIATIVE

This initiative serves as a foundation for galvanizing community engagement to ensure that the voices of those directly impacted by the youth justice system are heard and valued.



importantly, *Reimagining Reform* serves as a foundation for galvanizing community engagement in the legislative and decision-making process, ensuring that the voices of those directly impacted by the youth justice system are heard and valued. To the extent that the vitality and future of the youth and families of our beloved Texas are intertwined with the safety and well-being of the greater community, this work is a way of vision casting a legal framework of the youth justice system that supports the goals of rehabilitation, procedural justice, protection of youth, and public safety.

Reimagining Reform intends to provide

context to our state's past policies, structural constraints, and related challenges.

This report presents a number of crucial system impact strategies as shorthand for reshaping the prevailing Texas narrative. These system impact strategies will be examined within the history and structural context of policymaking in Texas, the dichotomy of the state's decentralized system, as well as state and national reform trends. LSJA seeks to forge a pathway to convene practitioner workgroups charged with the task of reimagining the youth justice system and refining statutory authority. To that end, several key Impact Strategies have been identified:

IMPACT STRATEGIES



By understanding the conditions facing incarcerated youth, the responsibility of the justice system, and strategies designed to improve outcomes, stakeholders can make informed decisions. After arming readers with the historical timeline necessary to

understand Texas' complicated history with its juvenile justice system, LSJA's *Reimagining Reform* report issues a challenge to stakeholders during a crucial time of change when protections for justice-involved youth are at risk of being struck down.

Conditions of confinement

Fundamental Assumptions on Basic Rights. The doctrine of *parens patriae*³ refers to the duty entrusted to the government or other legal authority to protect minors and citizens under a disability who are unable to protect themselves. This doctrine is fundamental to Reimagining Reform centered around conditions of confinement. It is counterintuitive that policymakers and practitioners in the Texas youth justice system continue to struggle to afford basic constitutional protections to youth who are confined in a youth or adult correctional facility. Similarly, youth defenders struggle to ensure that procedural rights are grounded in the longstanding seminal case of *In Re Gault*⁴ and other cases that guarantee minors accused of delinquency possess constitutional rights on par with adults throughout all stages of proceedings. These rights guaranteed by the U.S. Constitution are implicated when there is a deprivation of liberty. Citizens and lawmakers alike have a basic duty to safeguard and defend the fundamental constitutional rights of children under state jurisdiction for delinquent conduct. To frame the work of *Reimagining Reform*, it is essential to underscore the basic assumptions that serve as a benchmark

of the overall effectiveness (or ineffectiveness) of the youth justice system in Texas and highlight the important objectives of protecting children from potential harm, ensuring procedural justice, and investing resources to bolster rehabilitative outcomes.

Right to Reasonable Protection. What duty does the state of Texas have to protect youth who are confined in state-secure correctional facilities operated by the Texas Juvenile Justice Department (TJJD) or county correctional facilities? Youth involved in the justice system are frequently confined in facility settings for brief or lengthy periods of time pursuant to criteria set forth in state law. While housed in these environments, youth have the right to reasonable protection and safety. For example, youth have a right to reasonable care and to be free from unreasonable bodily restraints; the right to be free from conditions that amount to punishment; and the right to food, shelter, clothing and adequate mental and physical health care, among other delineated rights.⁵ In Texas, a variety of statutes and administrative standards exist that entitle youth to basic rights, educational programming and related rehabilitative services. Ironically, stakeholders have cited the scarcity of resources as the primary

What duty does the state of Texas have to protect youth who are confined in state-secure correctional facilities operated by the Texas Juvenile Justice Department (TJJD) or county correctional facilities?

reason these basic rights have been elusive and sporadic.

How Can We Create a Culture of Safety? LSJA seeks to provide a platform for youth, their families, practitioners, and stakeholders to reimagine policies and practices that ensure a culture of safety and protection of youth in residential and correctional settings statewide through the use of innovative, science-based, and data-driven methodologies.

Do No Harm. “First do no harm” is a concept rooted in medical ethics that prioritizes the safety and well-being of individuals in any decision or action taken. In the context of youth justice, it means prioritizing interventions and policies that avoid further

IMPACT STRATEGY
Shift the youth corrections paradigm toward a culture of safety.

harm to young people and that promote rehabilitation and positive development. The nexus between conditions of confinement and alternatives to incarceration lies in recognizing that the quality of confinement

settings directly impacts the effectiveness of alternative approaches. Substandard conditions of confinement, such as overcrowding, untrained staff, lack of educational and rehabilitative programming, and inadequate mental health or other specialized services can result in inferior outcomes, posing a real danger to the well-being and safety of youth in confinement.

Title 3 of the Family Code (i.e., the Juvenile Justice Code) contains in its legis-

lative purpose clause the assertion that a child should be separated from his or her family only when necessary. Recent TJJD data from FY 2022⁷ indicate that the average length of stay in residential facilities (secure and non-secure) was 130 days in out-of-home confinement.⁸ In the *Closer to Home Report: An Analysis of the State and Local Information of the Juvenile Justice Reforms in Texas (Closer to Home Report)*, researchers for the Council of State Govern-

“[T]he most striking data presented ...is that ... no program or intervention ... generated consistently better results than providing the youth with no intervention at all.”

– Dr. Tony Fabelo,
Closer to Home Report

ments concluded, “the most striking data presented ... is that, in general, no program or intervention, including placement in a county-based secure or a non-secure residential facility, generated consistently better results than providing the youth with *no intervention at all* [emphasis added].”⁹ If that baseline assumption holds true, practitioners have an even higher duty to “*first do no harm*” and avoid interventions that clearly have been shown to yield harmful outcomes.

Rights of Confined Youth. TJJD has

faced numerous challenges to its operational and legislative mandate to “effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting.”¹⁰ To achieve systemic change, it

IMPACT STRATEGY

Ensure constitutional norms to improve incarceration practices and conditions of confinement.

excessive force, chemical restraints, and isolation. Moreover, confined youth are entitled to adequate programming, mental health and educational services.

The rights of youth in confinement are guided by fundamental constitutional protections under the 8th Amendment¹¹ (cruel and unusual punishment) and the 14th Amendment¹² (due process). Youth have a fundamental right to be free from conditions of confinement that amount to punishment and the right to be free from cruel and unusual punishment.¹³ Officials violate a youth’s constitutional rights if they substantially depart from¹⁴ professional standards. To that end, a confined youth may be entitled to civil remedies, or other relief in circumstances in which a person acting under color of state law violates an 8th or 14th Amendment.^{15 16 17} In a 2023 Gault Center publication (formerly the National Juvenile Defender Center), *An Overview of Youth Rights in Facilities*, states:

will be necessary to shift the correctional paradigm toward a culture of safety in recognition of the civil and constitutional rights to ensure reasonable protection from physical and sexual abuse by staff and other residents, use of

“Contextualizing conditions of confinement through the lens of young people’s constitutional and civil rights creates a **framework for arguing against confinement** at the detention, disposition, post-disposition, or violation-of-probation phase. Youth defenders can use this framework to establish a record highlighting both systemic and individualized conditions issues, zealously fight for young people’s release, and work toward the elimination of systemic abuses against youth in facilities.”¹⁸

The Gault Center’s guide is an important resource for practitioners to identify civil and constitutional remedies.

Diversion

Closer to Home. Practitioners and agency leadership have based much of the policy on the concept of keeping youth and emerging adults closer to home and “shallow” in the system. In other words, keeping youth in proximity to natural support systems

IMPACT STRATEGY

Advance diversion initiatives to keep youth closer to home.

comprised of family members and the wider community. From a fiscal standpoint, this emphasizes that the state realizes cost-savings when medium-and low-risk youth with specialized treatment needs are served in the community rather than at the higher cost of state commitment. This concept makes the use of diversion options at every stage of proceedings (e.g., front-end, procedural, and alternatives to incarceration) feasible and efficient.

Importantly, the findings in the Closer to Home Report were compelling regarding the need for an expanded emphasis on diversion. Diversion practices encourage individualized, needs-based case dispositions that consider mitigating factors at all risk levels. Specifically, researchers asserted that youth who were diverted from state-run correctional facilities and disposed to county probation supervision were less likely to reoffend than youth committed to state-run correctional facilities.¹⁹ Moreover, youth who were committed to state-run secure facilities were three times more likely to commit a felony as their first re-offense than youth adjudicated to county probation supervision.²⁰ Finally, youth adjudicated to county probation supervision had a similar likelihood of rearrest, regardless of whether they were placed in a county-based secure facility, assigned to a non-residential program, or provided no supervision at all.²¹

Innovations in Diversion. In March 2024, the Justice Sentencing Project published *Protect and Redirect: American's Growing Movement to Divert Youth Out of the Justice System*²² which highlighted the diversion efforts of the Harris County Juvenile Probation Department. According to the report, the Harris County Juvenile Probation Department has focused innovative reform efforts on diversion. Early promising data suggest that the share of delinquency cases diverted was 32% between 2017 and 2021, an increase from 12% of cases diverted before 2017.²³ The utilization of diversion in Harris County has reduced racial and ethnic disparities by increasing the number of Black youth benefit-

ting from diversion from one-fourth to nearly one-half.

Other States. Other states like California created one of the first evidence-based pre-adjudication diversion programs known as the Detention Diversion Advocacy Program (DDAP) which targets individuals who have repeat adjudications or are at high-risk to reoffend and have highly specialized needs, such as substance abuse, educational difficulties, or gang involvement.²⁴ Most notably, Utah has implemented mandatory diversion laws to increase the use of diversion for youth accused of delinquent conduct. Data show that statewide, Utah diverted 64% of all delinquency cases referred to juvenile court in 2023, up from 31% in 2015.²⁵

The Context of Policymaking in Texas

The long-term strategic process of reform requires a reflection on the history and context of policymaking in Texas. In many respects, the current laws and major legislative changes have been drafted to ensure fundamental procedural fairness and to trace landmark cases that have shaped legal systems in the area of youth delinquency law since its early beginnings and the post-*In re Gault*²⁶ era. The *Gault* case ushered in an era of hybrid quasi-criminal proceedings aimed at affording children the same due process and constitutional protections as adults accused of crimes. The case law, nevertheless, has lagged more than three decades behind in its recognition of the evolving science of adolescent brain development.²⁷ As a result, reha-



bilitative practices and policies for children have for too long mimicked corrections-driven methodologies to address delinquency.

Without a doubt, Texas bears the dusky stains of its long and complex legacy of Progressive Era correctional training schools that utilized unenlightened practices entrenched in post-slavery contract leasing.²⁸ For more than a century,²⁹ against a backdrop of dire conditions of confinement in Texas, public debate has centered around whether the state can serve as a “benevolent parent”³⁰ to our most vulnerable population of troubled youth. The landmark case of *Morales*

*v. Turman*³¹ yielded a succession of curative reforms on the punitive and inhumane conditions of confinement and the failure to provide rehabilitation or treatment to youth committed to the former Texas Youth Commission (TYC).³² The *Morales* reforms required, among other things, TYC institutions to develop a plan that outlined minimum standards for the right to treatment in TYC correctional facilities, the right to due process, and access to counsel before commitment to a state correctional facility. Forty-seven years later, state-operated secure correctional facilities in Texas remain duty-bound to the *Morales* mandates to ensure improvements in various

areas, including medical care, mental health services, living conditions, and educational opportunities for youth.

In contemporary Texas, evidence suggests that state leaders have continued to struggle in their endeavors to improve conditions despite numerous investigative and legislative attempts to address abuse, maltreatment, and challenges to the effectiveness of educational and rehabilitative programs for confined youth. It is worth noting that despite efforts to create

a system focused on safety and rehabilitation, a rise in the national youth crime rate in the early 1990s caused many decision makers to toughen youth sentencing laws.³³

Amidst the national climate, the 74th Texas Legislature enacted a substantial rewrite of the newly named “Juvenile Justice Code.”³⁴ The far-reaching legislation imposed mandatory minimum lengths of confinement for violent or serious offenses, expanded determinate sentence offenses, lowered the age for certification from 15 to 14, and established Progressive Sanctions Guidelines. The Legislature also appropriated \$37.5 million³⁵ in funds to allow Texas counties to acquire, construct, and equip local youth post-adjudication facilities statewide.³⁶ Prior to the 1995 reforms, youth with misdemeanor and delinquent conduct adjudications and even conduct indicating a need for supervision (CINS) violations were eligible for state commitment to the former Texas Youth

Commission (TYC). By 1999, the Legislature established more stringent criteria for commitment eligibility. This change had a positive fiscal impact resulting in the diversion of nearly 300 misdemeanants from state commitment.³⁷ By the end of the 1990s, the Bush-era statutory reforms and the build-out of 19 local post-adjudication secure county facilities statewide were complete.³⁸ With the advent of the millennium, Texas youth justice became the focus of the news.

NATIONAL REFORM

The national PREA legislation can be traced to a certification transfer case that began in a Texas juvenile court. These reforms prompted the longstanding call to end the placement of children in adult prison institutions.

Texas in the News. *Scandal Rocks the Texas Youth Commission*, an article published in the Prison Legal News³⁹ gives insight into early abuse allegations that occurred between 2003 and 2005 at the West Texas State School. Allegations concerning school administrators involved in inappropriate sexual behavior, including luring TYC youth with treats for encounters, and spending excessive unsupervised alone time with youth.⁴⁰ These events triggered an in-depth investigation and a legislative overhaul of the former TYC during the 80th Legislative Session.

The scandals involving the former state agency coincided with the unanimous passage by the U.S. Congress of the Prison Rape Elimination Act of 2003 (PREA) signed into law by former President George W. Bush,⁴¹ a federal law to eliminate sexual abuse in adult and youth facilities and programs. Ironically, the national PREA legislation can be traced to a certification transfer

case that began in a Texas juvenile court. The youth was certified for an offense that occurred at age 16 and began an eight-year sentence for felony arson in TDCJ at age 17.⁴² After placement in two other TDCJ facilities, the youth was transferred to the Clemens Unit where medical records confirmed he was repeatedly raped and forced to participate in other acts by adult inmates. After numerous complaints to unit authorities requesting protective custody and letters to his family and even other inmates, he committed suicide. Tragically, the young man committed suicide after numerous complaints, requests, and letters. The incident is often cited as leading to the PREA reforms and the longstanding call to end the placement of children in adult prison institutions.

By the summer of 2007, Texas began to implement sweeping reforms at the Texas Youth Commission under S.B. 103, which restructured the governance of the agency, lowered the age of jurisdiction for committed youth, changed criteria for the minimum length of stay, shifted funding to community-based services to local juvenile probation departments, and created the Office of the Independent Ombudsman. News articles describing the anticipated impact of S.B. 103⁴³ began to appear⁴⁴ and the legislation was passed with bipartisan support, constituting a post-*Morales v. Turman*⁴⁵ era of youth corrections reform statewide. The 2007 legislation authorized the Walker County-based Special Prosecution Unit to prosecute crimes that occur in state and contracted facilities and expanded the role of the Office of the Ombudsman and the

Office of the Inspector General to ensure greater accountability through investigations and prosecution of crimes within the former Texas Youth Commission.

In 2011, S.B. 653 established the Texas Juvenile Justice Department (TJJD) with a six-year Sunset date of 2017.⁴⁶ Between 2017 and 2018, however, Governor Greg Abbott requested the Texas Rangers to investigate the allegations and misconduct in TJJD facilities.⁴⁷ These investigations led to arrests of former TJJD staff accused of criminal misconduct. By 2018, new leadership at TJJD began to review processes and criteria for release as a solution to reduce the youth population in TJJD facilities. The agency also launched the Texas Model of Intervention to transition to a treatment and intervention-focused approach that incorporated principles of trauma-informed care.⁴⁸

Treatment Oriented Models. After the creation of TJJD in 2011, agency administrators began to redirect toward a treatment-oriented approach and explored models for reform such as the Missouri Model⁴⁹ and in 2018 introduced the Texas Model for Intervention⁵⁰ as potential reform initiatives to address legislative mandates and tenuous facility conditions. As an initial step, corrections leadership and lawmakers alike examined the principles of the Missouri Model which prioritizes rehabilitation over punishment and emphasizes individualized treatment plans and therapeutic interventions to address the underlying needs of each youth.⁵¹ In particular, much of the interest in the Missouri Model centered



around its facility concept which highlighted the importance of small, homelike placement settings that promote a sense of security and support, family involvement, and restorative justice practices. Certain features of the Missouri Model as well as correctional facility concepts have been shown to be successful in impacting recidivism and rehabilitative outcomes for youth in other states.⁵² Despite advances gained through the use of these models, TJJD continued to be mired in the controversy of news reports of recurring scandals and facility disturbances.

Facility Closures and Structural Reform.

In 2011, the Legislature enacted S.B. 653, which authorized major structural reforms and created a unified youth justice system.⁵³ While S.B. 653 did not require facility closures, budgetary cuts in the General Appropriations Act⁵⁴ mandated the closure three state correctional facilities and the consolidation of two additional units.⁵⁵ Six TJJD parole offices were also closed. Notably, at least two of the former TYC facilities were originally designed as adult prisons. After these closures, one or more TYC facilities were seamlessly retrofitted for use as adult prisons by TDCJ which contributed to the hyper-correctional environment and design of youth

facility physical plants in the state.⁵⁶

By the 83rd Legislative Session in 2013, the Corsicana Residential Treatment Center was targeted for closure in 2014,⁵⁷ leaving five state-secure correctional facilities operated by TJJD. At that point, the prevailing consensus was that these changes would result in greater cost efficiencies and allow TJJD to utilize available space at the remaining facilities. It is worth noting that legislative changes affecting TJJD eligibility and the minimum length of stay for indeterminate sentences as well as regional diversionary initiatives requiring special commitment findings caused the population of TJJD to drop to fewer than 600 youth by 2022.⁵⁸

Texas Model for Intervention. In 2018, TJJD introduced the Texas Model and implemented trauma-informed care practices to meet the needs of youth and keep them as shallow in the system as possible. Concerning the confinement of youth outside of the home, the guiding principles of the Texas Model call for scalable, graduated options to meet youth and system needs and a commitment to the shortest appropriate period for youth to be in the system.⁵⁹ Additionally, the model advanced the concept that youth should stay as close to their communities whenever possible according to their best interest.

Despite considerable challenges and often punitive rhetoric, state legislators, agency stakeholders, and advocates made incremental steps in advancing diversion initiatives and rehabilitative approaches for

justice-involved youth. In 2015, the Council of State Governments published *Closer to Home*,⁶⁰ a report analyzing the 2007 and 2011 reform efforts. The key findings of the report focused on the effectiveness of community-based alternatives to incarceration for justice-involved youth. Its prin-

Informed by the continuing efficacy of the findings in the *Closer to Home Report*, LSJA contends that reform efforts should offer sustainable and effective approaches that provide support, rehabilitation, and accountability within the community.

incipal author Dr. Tony Fabelo highlighted alternatives, such as diversion programs and intensive probation, which significantly reduce recidivism rates compared to traditional incarceration. One significant finding is that community-based programs tend to be more cost effective than incarceration, saving the state money while providing better outcomes for youth. Fabelo suggests that successful models involve a holistic approach that addresses the needs of the youth and their families while also holding them accountable for their actions.⁶¹ Informed by the continuing efficacy of the findings in the *Closer to Home Report*, LSJA contends that reform efforts should offer sustainable and effective approaches that

provide support, rehabilitation, and accountability within the community.

Diversion from State Commitment. In 2015, the Legislature continued its efforts to divert youth from TJJD custody. Juvenile courts statewide were required to make special commitment findings of eligibility before an indeterminate youth could be committed to a state-operated facility or the post-adjudication secure correctional facility in Travis County.⁶² Senate Bill 1630, which passed during the 84th Legislative Session, required a collaborative regionalization plan between counties and TJJD with the goal of diverting youth from commitment toward programs and placements closer to home.

Regionalization. Overall, regionalization represented a strategic initiative intended to improve the state’s approach to youth rehabilitation and lower recidivism.⁶³ The regionalization infrastructure was aimed at supporting effective probation programs and services by promoting, “regional cooperation that enhances county collaboration.”⁶⁴ One of the most important regionalization goals was to optimize resource allocation and county facility usage by providing resources to encourage tailored intervention services to address the unique needs of each region’s population.

These efforts worked in tandem with the special commitment findings to leverage community-based resources closer to home.

TJJD collaborated with the Regionalization Task Force to ensure implementation of the initial logistics associated with the inventory of regional resources statewide as well as the development of grant criteria and mechanisms for oversight.⁶⁵ Office of Juvenile Justice and Delinquency Prevention data indicated that in 2019, Texas committed 804 youth to state care, the highest number in the U.S.⁶⁶ Reporting on regionalization data two years later in the 2021 Self-Evaluation Report,⁶⁷ TJJD indicated that since the beginning of the Regionalization Program, more than 1,000 youth⁶⁸ were diverted from state care. As juvenile probation departments began to draw down diversion funds through the Regional Diversion Assistance (RDA) grant, the Sunset Commission’s data suggest that

there was an increase in participation in the Discretionary State Aid funding in correlation to the declining commitments.⁶⁹

It is worth noting that while the number of commitments decreased, the percentage of youth with more serious offenses and concerns has increased.⁷⁰ The RDA Program is a Discretionary State Aid grant created to comply with Section 223.001(c), Human Resources Code.⁷¹ There was a 220% increase in the participation by county juvenile probation departments between fiscal years 2016 and 2020.⁷² The Sunset Commission recommended that continued regionalization efforts should focus on expanding front-end services and enhancing existing residential placement capacity statewide.

IMPACT STRATEGY

Limit the use of incarceration in state secure facilities to high-risk, serious offenders with specialized needs who pose a danger to public safety.

The Results of Reform

Unfortunately, reform efforts have not abated the challenges with youth confinement in Texas. Over the past five years, media coverage of the pandemic focused a renewed spotlight on the already high staff turnover rate in state facilities. At the onset of the pandemic in 2020, news outlets tracked coronavirus cases in youth facilities.⁷³ TJJD implemented rigorous operational response protocols following the guidance of the Center for Disease Control and the Texas Department of State Health Services.⁷⁴ Nevertheless, as confirmed cases continued to rise, youth were placed in isolation for lengthy periods due to staffing shortages. One report found that TJJD youth lacked rehabilitative services and were isolated in their cells for up to 23 hours a day without access to wet cell toilets causing hygienic conditions to worsen.⁷⁵ During this time, staff turnover increased to 71%, decreasing staff-to-youth supervision ratios.⁷⁶

Heightened Scrutiny. The circumstances in TJJD facilities were further intensified by the federal investigation of the five state secure facilities launched in October 2021.⁷⁷ The Department of Justice's (DOJ) investigation examined whether youth were provided with reasonable protection from abuse, were subjected to excessive use of chemical restraints and isolation, or received adequate mental health services.⁷⁸ As of the publication of this report, the most recent DOJ investigation is still underway. Media outlets also called into question the rise in systematic prosecuting⁷⁹ and transferring TJJD youth to TDCJ for in-facility infractions and rule violations.⁸⁰ In connection with this practice, on April 2023, the

Texas Tribune also explored allegations of a suicide of a TJJD youth only a short time after he arrived to the TDCJ adult prison.⁸¹

The 2022 TJJD Office of Independent Ombudsman Sunset Advisory Commission Staff Report characterized TJJD as being in “perpetual crisis management” caused in part by events such as suicides, sexual and physical abuse of the youth by staff, and numerous fights involving

the incarcerated children.

⁸² Other reported allegations against staff include sharing pornographic material, having sexual relations with minors in custody, sexual assaulting youth, and paying children with drugs or cash to assault other children.⁸³

Between 2019 and 2021, self-harm assessments administered to minors in custody increased by almost 80%.⁸⁴

Almost two years post-pandemic, reports⁸⁵ of deteriorating conditions of confinement and accounts of nearly 140 court-committed youth⁸⁶ languishing in county pre-adjudication detention facilities awaiting space at TJJD persisted.⁸⁷ The staffing shortage and declining conditions resulted in TJJD halting the admission of committed youth and implementing an emergency operations plan.⁸⁸ Shortly after taking the helm as TJJD Interim Executive Director in August 2022, Shandra Carter was quoted in an issue of the Texas Tribune

stating, “The instability, lack of safety, and low morale causes significant churn of new hires, furthering the crisis.” She continued, “Frustration and fatigue run high which can contribute to staff making poor decisions.

A lack of necessary staff also decreases peer monitoring that comes naturally when a full team is working together. This can increase opportunities for predatory staff to engage in abuse or exploitation.”⁸⁹ The

pandemic and subsequent staffing shortages at the state level had a domino effect on staffing, population, and staff-to-youth ratio levels in county facilities and contract facilities, particularly in counties holding youth awaiting admission to TJJD.

In February 2024, the Texas Advisory Committee of the United States Commission on

Civil Rights (USCCR) identified 12 TJJD-related findings that included issues pertaining to the number of children with clear mental health needs, unresolved understaffing, unsafe environments in state-run facilities, routine transfers of youth to adult prisons in lieu of rehabilitative programming, lack of resources to support high-risk children, insufficiencies in the grievance process, and lack of resources to provide proper mental health services. In its final finding, the USCCR emphasized, “The Texas Legislature made some improvements to the Texas Juvenile Justice Department and its funding in the 2023 session, but there is much more reform and investment still needed.”⁹⁰

**Between
2019 and 2021,
self-harm
assessments
administered to
minors in custody
increased by
almost 80%**



A Tumultuous Legislative Session for Youth Justice. Extreme staffing shortages, federal investigations⁹¹ into reports of deplorable conditions, and abuse allegations in TJJD facilities set the stage for the 88th Legislative Session. Although many of the mandated TJJD reforms were well underway, some claimed operations were beginning to stabilize, while advocates argued that the five state facilities should be shuttered.⁹² This opened the door for consideration of a range of disparate legislative proposals to expand regional efforts to detain children, build new state lockups, close the five remaining

IMPACT STRATEGY

Examine the nexus between the failure to identify alternatives to incarceration and inadequate conditions of confinement.

state youth facilities altogether, or eliminate the youth system entirely. The Texas Center for Justice and Equity (TCJE) and the “Finish the Five Campaign” called for closing the five facilities through a staggered closure plan by 2030, justice and community investment incentives, and policy solutions to decriminalize youth.^{93 94 95} During the session, H.B. 4356⁹⁶ was filed, containing amendments to close the state’s youth prisons, and another provision called for the dissolution of TJJD and the creation of a new agency.⁹⁷ This measure did not gain traction or advance.⁹⁸

It should be noted that national policymakers around the country have called for closure and repurposing of all youth prisons in the country.⁹⁹ The signatories to the Joint Statement by Fair and Just Prosecution and Youth Correctional Leaders for Justice on Closing Youth Prisons underscore that the closure of youth prisons does not eliminate the need for out-of-home care, stating, “in those cases where public safety absolutely requires ... out-of-home care ... this should only be for the minimum time necessary to address this risk.”¹⁰⁰

Closer to Home Bill. In 2023, H.B. 16 by House Speaker Dade Phelan, popularly titled the *Closer to Home Bill*,¹⁰¹ was intended to complement existing regionalization efforts and would have required TJJJ to develop and adopt a diversion and intervention strategic plan to: 1) establish a network of community-based programs, services, and facilities; 2) create an expanded stakeholder task force; 3) develop an inventory of community-based services and programs; 4) prepare an intercept map to plot resources and gaps across the youth justice system; and 5) describe barriers to services. H.B. 16 also contained amendments to enhance the court’s procedural discretion at key intercept points to keep youth shallow in the system commensurate with community-based rehabilitative resources while achieving public safety goals at a reduced cost to the state. The H.B. 16 proposals also would have expanded the state’s efforts to include both diversions from TJJJ commitment and diversions from county-level post adjudication secure correctional facilities. Although H.B. 16



IMPACT STRATEGY

Expand the state’s diversion efforts to include county alternatives to post-adjudication secure correctional facilities.

did not pass, LSJA seeks to encourage policymakers to revisit the key reform measures to impact procedures, increase funding, and reduce youth population through diversion.

Community Reinvestment Fund. The *Closer to Home Bill* also proposed important innovations that called for counties to establish a community incentive fund out of general revenue to supplement local money derived from surplus funds of the county, juvenile probation department, or through gifts, grants, and donations. As envisioned, funds would be used to establish a network of community-based programs within the youth justice regions to provide mentoring, behavioral and mental health services, financial and housing assistance, job training, educational services, and after-school care. Ultimately, savings are generated through a decreased population of post-adjudication secure correctional placements. The model for the Community Reinvestment Fund has been implemented in Harris County, Texas¹⁰² in partnership with the Annie E. Casey Foundation and serves as an early prototype for other jurisdictions. Most notably, the fund required collaboration and involvement of a range of county stakeholders including the juvenile court, county judge's office, district attorney's office, and community organizations.

Billion Dollar Investment. In 2023, the Texas Legislature responded to the strains on the system by making one of the most signif-

icant investments in juvenile justice in recent memory. TJJJ's Legislative Appropriations Request¹⁰³ outlining its budgetary priorities sought \$638.9 million as a baseline and \$315.9 million in exceptional items. TJJJ's Self-Evaluation Report also emphasized the need for community-based diversions from state confinement.¹⁰⁴ To that end, the Legislature appropriated \$30.7 million for placement and diversion and \$60 million to

juvenile probation departments for basic probation services for youth referred to the juvenile court. \$15.2 million in funding was designated for detention reimbursement for adjudicated youth held locally while awaiting admission to TJJJ. The budget also included \$51 million and \$31.2 million to fund salary increases and \$200 million for facility construction to accommodate 200 new beds.¹⁰⁵ In the end, the

Legislature appropriated just shy of \$1 billion¹⁰⁶ to address many of the issues facing TJJJ and the extended Texas youth justice system. While \$1 billion was a step in the right direction, in many respects, the substantial appropriation was essentially a remedy to address prior state budget shortfalls that underfunded the system over the past decade. It is worth noting that while the Legislature focused primarily on the fiscal aspects of the TJJJ Sunset legislation (S.B. 1727), it did not fund certain mental health or diversion line items. Measures such as the *Closer to Home Bill* (H.B. 16) that called for structural reform and other procedural changes passed only in one chamber.¹⁰⁷

COMMUNITY-BASED INNOVATION

The Harris County Community Reinvestment Fund serves as an early prototype for other jurisdictions.

Texas cannot build its way out of crisis.

What is our collective responsibility to Texas youth who have been committed to the state or those in the counties awaiting admission to TJJD? Do we have the capacity to provide effective mental health and substance misuse treatment, serve high-risk youth, or serve those with acute and chronic needs? What is our obligation to address the services and programming that are unique to special populations and females/girls? What steps are needed to identify, competitively hire, and retain a professionally trained workforce?

IMPACT STRATEGY

Advocate for developmentally appropriate treatment, services, and programming in all youth justice settings.

Finding a Suitable Location. By the summer of 2024, it is anticipated that TJJD will make its decisions regarding locations deemed suitable for the construction of state secure facilities authorized in 2023. It will be important for youth, their families, advocates, stakeholders, and community members to engage in the planning and problem-solving process to offer meaningful input on diversion of children from TJJD and at all intercept points and identify other alternatives to incarceration.

An opinion article in *The Dallas Morning News* expressed reservations about moving

forward with TJJD facility construction projects in light of its ongoing troubles, including a state audit report which showed a massive staff turnover at state-operated secure facilities.¹⁰⁸ TJJD officials indicated that the proposed new facilities will be located near larger labor pools to serve about 100 aggressive youth with “violent backgrounds” and the other about 70 youth with “high level mental needs.”¹⁰⁹ The editorial staff at *The Dallas Morning News* opined in February 2024 that Texas “should not proceed with building these facilities, which are still being studied, until it is sure it can safely operate them with well-trained dedicated staff.”¹¹⁰

IMPACT STRATEGY
Transition to small, homelike secure rehabilitative environments that are geographically convenient.

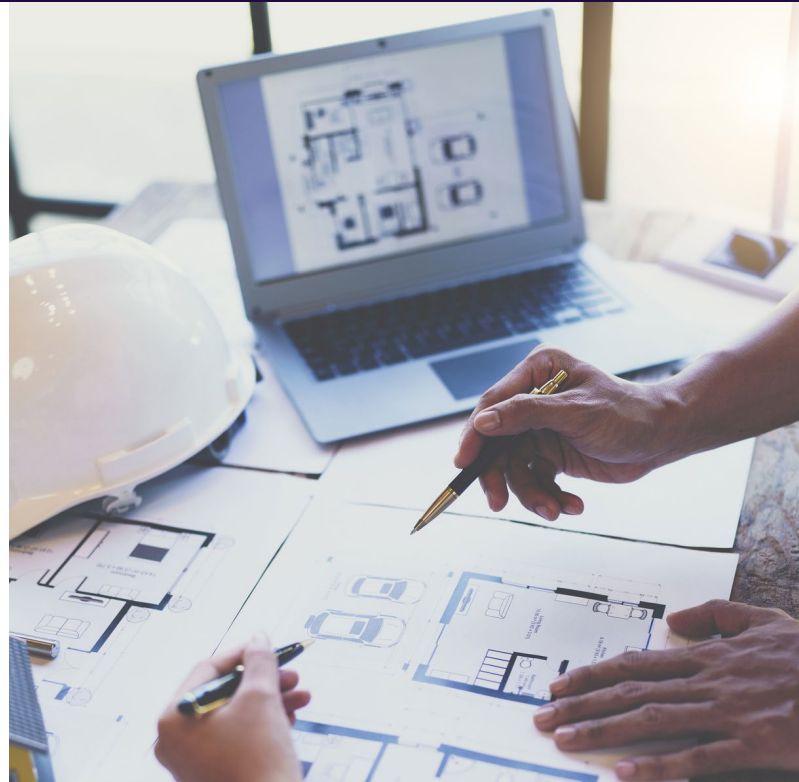


Despite a decade of facility closures and declining youth populations in state-operated facilities and county post-adjudication secure correctional facilities,¹¹¹ lawmakers were confronted in 2023 with the unusual quandary of whether to take notice of nascent demands to close all state facilities and shore up local community-based resources versus building new facilities and making fiscal investments in the existing system, flaws and all. Ultimately, policymakers opted for known territory with a brick-and-mortar response to the systemic crisis by enacting proposals to build new state-operated facilities.¹¹² Prior to the

session, TJJJ retained Sunland Group to prepare a feasibility study in support of its Legislative Appropriations Request (LAR) for funding within the construction and renovation strategy. The Sunland Report¹¹³ concluded that between \$210 million and \$273 million would be needed to construct facilities to accommodate and prioritize youth with specialized needs, including high-risk needs, young offenders, females/girls, and youth with mental health and/or intellectual disabilities.¹¹⁴ TJJJ's LAR also made the case for smaller, more specialized facilities as a mechanism for ensuring compliance with facility ratios and achieving sustainable

staffing. Specifically, TJJJ originally presented two options for new facilities strategically located throughout the state that included 1) two 48–56 bed state commitment facilities and one 40–bed mental health facility; or 2) two 100–bed state commitment facilities and one 40–bed mental health facility.¹¹⁵

By the end of the 88th Session, the Legislature closely followed the Sunset Advisory Commission’s recommendations and appropriated \$200 million for the construction of one or more new state facilities with a total capacity of a minimum of 200 beds to “include services and physical features to serve youth with acute mental health needs, youth exhibiting highly aggressive violent behavior, and female youth.”¹¹⁶ The Legislature specified that the new facilities must be located as close as practical to population centers which have existing workforce capacity to hire Juvenile Correctional Officers and provide necessary mental health, counseling, therapy, and other services to rehabilitate youth and provide workforce development training as appropriate.¹¹⁷ In addition, the Legislature required TJJJ to develop a plan no later than August 31, 2024 for ongoing operations of the new youth correctional facilities describing the long-term plan for residential placements in each facility based on youth needs and available resources, and required an assessment of the available regional workforce. It also specified that TJJJ must report on the assessment of the condition and deferred maintenance of each residential facility in compliance with life safety, health, and fire codes.¹¹⁸



As reported in June 2023, the Sunset Advisory Commission’s *Final Results of the Sunset Review*¹¹⁹ outlined the legislative steps that have been accomplished to address TJJJ’s facility capacity. Specifically, TJJJ was 1) appropriated additional funds for the construction of new state secure facilities near population centers; 2) required to adopt rules authorizing juvenile probation departments to confine committed youth awaiting placement in TJJJ facilities to be housed in either a pre- or post-adjudication secure facility; and 3) authorized county juvenile probation departments to use or contract with a facility that was constructed or previously used for the confinement of adult offenders, provided the facility is appropriately retrofitted to accommodate youth-specific requirements and needs.¹²⁰

In February 2024, the Sunland Group released an updated feasibility study¹²¹ that

incorporated legislative feedback to TJJD and considered the \$200 million in funding appropriated under the General Appropriations Act. The revised options regarding the scope of the new state facilities include one large facility to serve the most violent youth, smaller facilities equipped to address high-level mental health needs, and the renovation of an existing facility to accommodate youth-specific needs.¹²² The Sunland Report utilized a scoring criteria system to evaluate important staffing metrics, location criteria, design considerations, land costs, and site requirements.¹²³ The mapping analysis and scoring criteria resulted in the ranking of locations for the new state-operated facilities.

LSJA retained the services of the DLR Group, a global integrated design firm and Mark Soler, former executive director of the Washington, DC-based Center for Children’s Law and Policy to provide a response to the Sunland Group’s initial Feasibility Study. The DLR Group’s response acknowledged several valuable suggestions contained in the Sunland Report. Most importantly, however, it asserts that the “first step in designing new secure juvenile facilities is to develop responsible criteria for the use of secure confinement and an accurate assessment of the size and needs of the population in secure confinement.”¹²⁴ As a critical first issue, the DLR Group referenced a Justice Policy Institute (JPI) Report¹²⁵ outlining the dangers of incarcerating youth in detention and other secure facilities

which include but are not limited to increasing recidivism, creating schools for crime, worsening mental health problems, interrupting education, and making employment difficult.¹²⁶ In its review of the original Sunland Report, the DLR Group noted that Sunland’s mapping analysis and proposed locations did not align with the counties with the highest annual TJJD commitment rates or facilitate the connection of youth to their families and communities. In addition to the most relevant factors and features cited in the Sunland Report, DLR suggested that proposed locations should be “overlapped with available data on Mental Health Professional Shortage Areas (MHPSAs).”¹²⁷ The 2024 Sunland Report noted that the top six locations that met the scoring and other evaluative criteria were in San Antonio/Bexar County, El Paso, and Dallas. It is anticipated the land acquisition for the new facility will be secured in advance of the 89th Legislative Session.¹²⁸

While the construction of the new TJJD facilities will occur in phases over a period of years, it will be essential for the Legislature, TJJD, the Texas Facilities Commission, and other collaborative entities to solicit the ongoing input of justice-involved youth, their families, advocates, stakeholders, and community members. This will ensure that the state’s investment and vision of public safety appropriately prioritizes the use of state secure confinement for youth with the highest risks and specialized needs that can only be addressed at the state level.

IMPACT STRATEGY

Provide input to shape youth justice funding priorities.

Developmentally Informed Procedural Justice

The evolution in science and landmark Supreme Court cases, *Roper v. Simmons* (2005), *Graham v. Florida* (2010), and *Miller v. Alabama* (2012)¹²⁹ strengthened the influence of adolescent brain development, trauma, and mental illness on the commission of delinquent offenses by youth. Scientific progress in the study of childhood neurological development and the impact on decision-making, impulse control, and risk assessment has contributed to an understanding of diminished culpability and the increased potential for rehabilitation of youth in comparison to adults. The 2000s were regarded as a time when practitioners began to employ developmentally informed rehabilitative measures in recognition of the capacity of youth to change. This has shaped current policy in Texas and nationwide on the use of diversion, individualized sentencing, mitigating factors, mental health, and rehabilitative treatment to address the most acute and chronic needs of justice involved youth.

IMPACT STRATEGY

Ensure developmentally appropriate procedural justice grounded in science and data-driven best practices.

Limit Transfers to the Adult System. In 2014, the case of *Moon v. State*¹³⁰ was the first certification overturned in a quarter-century in Texas and signaled a change in how courts and



lawmakers deal with youth charged with serious crimes. After the ruling in *Moon*, the Texas Legislature repealed provisions in the Code of Criminal Procedure¹³¹ and conferred the right to interlocutory appeal of certifications.¹³² These statutes also required certification appeals to be given priority and expedited in the Texas Supreme Court. Additionally, the Legislature clarified that the juvenile court must conduct an individualized assessment of the statutory factors under Section 54.02(f), Family Code and document the reasons for certification in its order. In 2021, the Court of Criminal Appeals overruled *Moon* in *Ex parte*

Thomas holding that “factually supported, case-specific findings in the transfer order are not required by the statute to bestow jurisdiction or the constitution as a matter of fundamental, constitutional due process.”¹³³ In other words, a juvenile court is no longer required to recite the underlying facts upon which its reason for transfer is based.

The 2014 *Moon* case and the *Ex parte Thomas* case, which overruled it, sent reverberations through the community of defenders due to the impact of direct and collateral appellate reviews and the split between the Texas Supreme Court and the Court of

Criminal Appeals. To that end, the Court of Appeals deliberated *en banc* (a special procedure where all judges in a particular court hear a case) on the ruling in *Thomas*. In *J.R. v. State*,¹³⁴ Justice Schenk’s dissent opined that the “reviewing court should insist on a record that affords a meaningful appellate review and require the juvenile court to explain how it arrived at its conclusion, not just cite the facts that support its ultimate determination.” Schenk added that failing to do so may leave

convictions after transfer subject to collateral attack.

¹³⁵ Even prosecutors understand the implications of the prospects of the remand of a case for failure to include fact-specific reasons. In a Texas Prosecutor article published by the Texas District and County Attorneys Association, prosecutors were reminded that “it is still important to remember best practices such as making a good and clear record ... and the importance of [eliciting] thorough testimony from witnesses.”¹³⁶ The article concludes its admonishments by stating that “It is still incumbent upon prosecutors to meet all statutory requisites for waiver and transfer, as well as show the court there is probable cause to believe the felony offense occurred.”¹³⁷

Many have argued that a legislative fix in Section 54.02 of the Family Code would

provide statutory clarity and address the limited utility of the wholesale use of boilerplate findings in certification transfer proceedings. Most significantly, this change would confer appellate courts with greater insight and guidance on the rationale for transfer and address the current split introduced by the ruling in *Thomas*.

Transfers to TDCJ. In 2023, the TJJD Sunset Bill¹³⁸ contained provisions relating to determinate sentenced youth confined under the juvenile jurisdiction of TJJD to be transferred to TDCJ with less framework for due process.¹³⁹ In FY 2022 the total number of determinate sentenced youth transferred to TDCJ was 40. In 2023, this number soared to a total of 83 transfers of determinate sentenced youth to adult prison.¹⁴⁰ Youth defenders and advocates have expressed concerns that procedural mechanisms that make it easier to transfer youth to

Youth defenders and advocates have expressed concerns that procedural mechanisms that make it easier to transfer youth to adult prisons will exacerbate and heighten the ills of both the juvenile and adult systems.

adult prisons will exacerbate and heighten the ills of both the juvenile and adult systems.

An important aspect of *Reimagining Reform* is the continued review of the adjudication and disposition processes in Title 3 of the Family Code and related laws to advocate for developmentally informed procedural justice for youth and emerging

adults. For example, the initiative known as *Second Look* would authorize the Texas Board of Pardons and Paroles to take a “second look” at the minimum prison terms for individuals serving a sentence at TDCJ for an offense committed when the person was younger than 18 years old after proof of rehabilitation and other conditions are met. Revisiting *Second Look* highlights the need to examine the use of risk assessments for purposes of granting parole and to track data on the discrepancies between parole grants of juveniles and adults, and any unique barriers to the release of individuals sentenced as juveniles in adult facilities. In addition, practitioners are seeking to revisit legislation that would provide an affirmative defense to prosecution for persons acting under duress, especially for survivors of human trafficking, as well as conferring authority to the court to consider mitigating factors and the hallmarks of youth in disposition and modification hearings.

Multidisciplinary Collaboration

Casual observers of youth justice and child-serving agencies are familiar with adjectives such as “embattled, beleaguered, and embroiled” used to describe the administrative agencies charged with oversight and care of the state’s children. The staff, case workers, juvenile correctional officers, investigators, juvenile probation officers, and other professionals at state and county agencies do not fare much better. Confronted daily by the burnout incumbent with high caseloads, high population ratios, high turnover, limited resources, uncompetitive

compensation, limited opportunities for relevant training, and constant leadership changes, they face dire working conditions leading to many of the injustices outlined in this and other reports. This is regrettably the backdrop from which a collaborative and functional statewide multi-disciplinary approach must effectively emerge.

The Texas Legislature has long recognized the need for ongoing collaboration of entities that serve the overlapping populations of high needs youth under the protection and conservatorship of the Department of Family and Protective Services, youth under the jurisdiction of the juvenile court or TJJD, youth in foster care, and at-risk school children requiring extensive support services. The assortment of statutes throughout various codes highlights the disconnect of the context in which collaboration and coordination must take place.

Under the Umbrella of HHSC. The former Texas Youth Commission (TYC) and Texas Juvenile Probation Commission (TJPC) were among several agencies under the umbrella of the Health and Human Services Commission (HHSC) mandated to collaborate and coordinate in support of youth receiving common services. In 1993, TYC was statutorily removed from under HHSC and TJPC was removed in 2001. During the 82nd Texas Legislative Session, S.B. 653 established the Texas Juvenile Justice Department (TJJD). The interagency mandates affecting the former TYC and TJPC were carried forward to TJJD. Currently, more than ten (10) social services, child-serving,



and justice agencies have been allied in state law as a result of their affiliated public purposes and overlapping population.¹⁴¹ The Legislature has, on a piecemeal basis, enacted coordination directives throughout a variety of statutes requiring data and information sharing, development of interagency memoranda of understanding (MOUs), reporting, and a host of tasks in the name of collaboration.

Interagency Mandates in Title 3, Family Code. In 2011, the Legislature made exten-

sive revisions to Section 58.0051 of the Family Code to facilitate the exchange of educational and non-educational records between youth justice agencies, schools, and myriad youth service providers. Section 58.009, Family Code was added to authorize the dissemination of juvenile justice information maintained by TJJD for statistical and research purposes.¹⁴² Other provisions in Title 3 also require interagency coordination. Section 53.011 was added as a diversionary alternative to adjudication for children under the age of 12. This provision

requires a community resource coordination group, interagency staffing group, or another community juvenile service provider to evaluate a child's case and make recommendations on appropriate services for the child and the child's family.¹⁴³ The juvenile probation department is responsible for creating and coordinating a service plan or system of care for the child and the child's family.

The *Reimagining Reform* workgroup must evaluate the provisions in the Family Code to identify opportunities for interagency collaboration at each intercept point in juvenile proceedings.

Coordination of Multi-Agency Services.

Community Resource Coordination Groups (CRCGs)¹⁴⁴ were established in the late 1980s to provide coordination of services to youth in need of multi-agency services.¹⁴⁵ By 2016, there were 140 CRCGs operating in 236 Texas counties responsible for implementing a community-based approach to providing services.¹⁴⁶ During the 88th Legislative Session in 2023, H.B. 4611 transferred a number of provisions to the Government Code and added Chapter 522, Subchapter D relating to Coordination of Multi-Agency Services.¹⁴⁷ The newly designated chapter multiple government agencies¹⁴⁸ to enter into a joint memorandum of understanding (MOU) to promote a system of local-level CRCGs to identify and coordinate services for individuals in need

of multiagency services provided in the least restrictive setting appropriate. The MOU must also specify that residential, institutional, or congregate care settings can only be used as a last resort.¹⁴⁹ The new provisions will become effective in April 2025. It will be essential for youth justice agencies to make a concerted effort to engage in the outlined development and implementation process

to ensure the needs of the juvenile and criminal legal system constituents are met.

The Reimagining Reform workgroup must evaluate the provisions in the Family Code to identify opportunities for interagency collaboration at each intercept point in juvenile proceedings.

Collaboration and Mental Health Services.

Juvenile probation departments and other child-serving agencies routinely coordinate to ensure the availability of services for youth with mental illness and intellectual disabilities. For example, the Special Needs Diversionary Program (SNDP) was launched in 2001. The 77th Legislature appropriated the

former TJPC \$4 million for the biennium to fund specialized probation officers in local probation departments to work as members of specialized diversionary teams. An additional \$10 million was provided to the former Council on Offenders with Mental Impairments (TCOMI) for case management and mental health services for juveniles under probation jurisdiction. This funding was part of a \$35 million plan to increase the availability of effective services for incarcerated children with mental health needs, including those under juvenile parole supervision and

adult probation from the former TYC. SNDP was an outgrowth of a collaborative model between the former TJPC and Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)¹⁵⁰ as well as certain mental health providers¹⁵¹ to provide mental health and specialized supervision as a rehabilitative diversionary alternative. The SNDP grant was allocated through TJJD's State Aid funding program. Similarly, TJJD's enabling legislation required continuity of care services for certain eligible youth to be coordinated upon discharge with TCOOMMI.¹⁵²

Recent legislative changes and funding appropriations in 2023 have helped to expand access to mental health services while statutory provisions require service coordination with other agencies and service providers. During the 88th Session, the Legislature enacted S.B. 26¹⁵³ to allow health-care providers and nonprofit groups who offer mental health treatment to draw from the \$15 million Innovation Grant program to expand access to mental health services for children and families statewide.¹⁵⁴ Most notably, S.B. 1585, enacted during the 88th Session, made comprehensive changes to Chapter 55 of the Family Code with the goal of modernizing and conforming statutory language to reflect current processes and best practices.

A Culture of Collaboration. In the youth justice system and child-serving entities, system silos refer to the compartmentalization or separation of different components or agencies within the system. The silos hin-

der collaboration and coordination among stakeholders, often leading to fragmented or duplicative services and gaps in support for youth and families. A cross-section of Reimagining Reform stakeholders asserts that there is a critical need for seamless provision of services for multi-system youth.¹⁵⁵ In recognition of the need for various governmental and youth justice agencies, the Legislature has amended relevant statutes to promote interagency sharing in an incremental seemingly unsystematic fashion. The primary goal of these legislative changes was to improve outcomes by addressing obstacles to sharing information, ensuring that the needs of multi-system youth have been met and to avoid duplication of services.

*The Myth of the Community Fix*¹⁵⁶ by Sarah Cate challenges the prevailing belief that community-based solutions alone can address societal issues. Cate argues that while community initiatives are crucial, they are often insufficient without system change. Cate demonstrates how structural barriers such as inadequate funding, policy failures, and institutional biases often hinder the effectiveness of community driven solutions.

As policymakers look to the 89th Legislative Session, youth and other stakeholders should evaluate and make recommendations to enhance collaboration and coordination among child-serving and youth justice agencies with the goal of exploring process efficiencies, best practices, and reducing fragmented or duplicative service gaps.

WHAT CAN TEXAS DO BETTER?

The *Reimagine Justice Initiative* is a signature LSJA program area. LSJA understands that true systemic change can only happen when youth, their families, community members, and stakeholders unite around shared values and a vision to drive change. The *Reimagine Justice Initiative* focuses on strategic connections with community-based organizations, defense counsel, directly impacted youth, emerging adults, and stakeholders. These connections build a network of strong community voices and vision for what public safety and justice can look like in their respective communities. Strategic connections also support the infrastructure needed for communities to provide true alternatives to incarceration for youth and emerging adults. The multi-faceted approach of the *Reimagine Justice Initiative* is designed to rethink (on multiple fronts) assumptions about the capacity of local communities to solve complex societal problems that are symptomatic within the youth justice system. Through these initiatives, LSJA optimistically acknowledges the importance of community engagement and empowerment in shaping governmental policies tempered by the reality of the daunting task of advocating for broader systemic reforms.

IMPACT STRATEGY

Advocate for community-based, community-shaped interventions and solutions.

Framing the multi-decade challenges of the Texas youth justice system forces us to ask the simple question, “*What Can Texas Do Better?*”

The myriad laws governing Texas youth proceedings are supported by case law and procedural norms that provide a sound foundation and framework for refining the structural issues that have altered the perception of the state’s systemic efficacy and impacted the justice experiences of Texas youth and families. To achieve sustainable reform, lawmakers, stakeholders, and advocates must share responsibility to explore policy options that draw from emerging system innovations, national initiatives, best

practices, science, and data-driven policies that acknowledge the state’s successes and failures. The remainder of this report will describe impact strategies, opportunities for engagement, and the need for the development of sound youth justice policy proposals during the 89th Legislative Session in 2025. To accomplish these objectives, LSJA has identified three sustainable reform strategies as part of its *Reimagining Reform* efforts to be implemented by the organization and its partners:



STRATEGY ONE

PLACE-BASED COALITIONS

Establish place-based coalitions and build infrastructure to engage the community in supporting collaborative activities for justice-involved youth and opportunity youth.



STRATEGY TWO

STATEWIDE POLICY AND PRACTICE REFORM

Recommend policy and practice reforms to improve outcomes in the youth justice system at the state and county level.



STRATEGY THREE

TRAINING IN EVIDENCE-BASED AND LEGAL BEST PRACTICES

Train and develop relevant curriculum content on evidence-based and legal best practices to promote a well-informed and proactive cadre of justice system practitioners, defense bar, community coalitions, and impacted persons.



Place-Based Community and Coalition Engagement. As outlined in *Reimagine Reform* Strategy One, sustainable reform strategies require a coordinated approach and well-framed policy-oriented goals that are based on research, relevant analysis, best practices, lived experiences, and diverse perspectives. In 2022, LSJA expanded the scope and impact of the *Reimagine Justice Initiative* with the launch of the Reimagine Justice Coalition (RJC), a collaborative of community-based organizations with aligned missions and values. The general goal of the RJC is to enhance civic engagement and impact local and statewide policy to address failures in the criminal and juvenile legal system. Through its coalition work, LSJA will endeavor to impact policy by developing expertise within impacted communities and sharing this expertise with

stakeholders. An initial aim of the RJC will be to build and scale capacity and structures that will increase the relevance of community and place-based coalitions to the justice system and those impacted by it. These coalitions will then be able to leverage involvement and awareness of local issues to advocate, mobilize, and shift the narrative to advance meaningful and sustainable reform.

Statewide Policy and Practice Reform - Legislative Workgroups. *Reimagine Justice* Strategy Two centers on the statewide policy and practice reform. LSJA will collaborate with the RJC, stakeholders, community organizations, and legislative workgroups to recommend policy reforms designed to improve outcomes in the youth justice system at the state and county level.

Defining a vision for a system that upholds the constitutional rights of youth, protects public safety, and identifies developmentally appropriate models for diversion in light of the abiding need for youth safety, education, mental health treatment, rehabilitation, and a professionally trained and competitively compensated workforce requires a collaborative effort. LSJA will facilitate a series of workgroup meetings to gather information and make recommendations to draft relevant law changes. The guided workgroup sessions will include an orientation session in which duties, time commitment, and overall scope of work will be outlined. Throughout the process, the workgroup will assess current practices, court procedures, fiscal resources, and system infrastructure within a defined area of focus. Specifically, one or more workgroup sub-committees will articulate a policy vision by: 1) examining the strengths and weakness of current practices; 2) reimagining an improved framework for legal authority; 3) identifying ways to maximize input and a cross-section of support; and 4) presenting effective strategies for change that will achieve reform goals and outcomes.

Workgroup Milestones. LSJA envisions that the workgroup will fulfill its work through investigative approaches that will be utilized to assess, evaluate, and identify important systemic needs. In addition to a justice-centered literature review, the group will engage in the development and refinement of possible legislative fixes, review statistical data, and gain a greater awareness of current practices and issues facing youth and emerg-

ing adults in the juvenile justice system. The workgroup will employ one or more of the following methods to examine key issues and develop findings and recommendations:

- Statutes and Other Legal Authority
- Case Law and Court Procedures
- Facilities, Programs, and Services
- National Policy Initiatives
- Hearings and Witness Testimony
- Practitioner Surveys
- Statistical Data Review
- Youth and Impacted Community Voices

Training of Evidence-Based and Legal Best Practices. As described in Strategy Three, actors in the youth justice system should be as well informed as possible to deliver the best results. *Reimagining Reform* is taking place in an era of significant reckoning and rethinking of the justice system. *Reimagining Reform* seeks to develop relevant content, curriculum, and media messaging to promote a well-informed pro-active cadre of youth, families, community coalitions, justice system practitioners, defense attorneys, stakeholders, and policymakers. LSJA will develop law-related presentations to enhance the knowledge and professionalism of justice stakeholders, and deliver training, community learning experiences, professional development seminars, focus groups, town halls, and conferences across platforms. Through a network of training providers, practitioners, policymakers, and resource organizations, reform efforts can promote the use of best practices, laws, and standards regarding justice-involved youth.

A CALL TO ACTION

What Does It Mean to *Reimagine Reform*?

To reimagine means to envision something in a new and unconventional way. It involves challenging existing assumptions, structures, and practices as well as exploring innovative approaches to address complex problems. Reimagining entails a willingness to question the status quo in order to generate new ideas, perspectives, and possibilities. In the context of youth justice and interconnected social systems, this reimagining will involve fundamentally changing how services are delivered, how policies are formulated, and how stakeholders collaborate to achieve better outcomes for the youth and families of Texas.

By necessity, reimagining reform in the youth justice system involves shifting focus from punitive measures to rehabilitation and support. It emphasizes addressing the root causes of delinquency, providing alternatives to incarceration, and prioritizing the well-being and vitality of an entire generation of young people. This approach often involves community-based programs, mental health support, education, and evidence-based best practices aimed at preventing recidivism and promoting positive outcomes.

System stakeholders must also recognize that recidivism should not be the only mea-

sure of rehabilitative success in the youth justice system. While reducing recidivism rates is an important goal, it is equally important to consider broader outcomes that reflect youth development and community well-being. The measure of success in the youth justice system should be informed by whether the structures of the system have been able to elevate and offer the social determinants of health. Success should encompass:

- Educational Attainment
- Employment and Economic Stability
- Social and Emotional Well-being
- Family Reintegration
- Community Reintegration
- Reduced System Involvement

By adopting a more holistic approach to measuring success and rehabilitation, the youth justice system can better support the long-term well-being and improved outcomes of youth, while also promoting public safety and community resilience.

An All Hands Approach

Adopting the practices outlined in *Re-imagining Reform* will require all hands and hearts as we embrace diverse perspectives through engagement and collaboration, ultimately developing innovative and equitable laws to address the complex challenges facing the youth justice system. An “all hands” approach to resolving youth justice means that all relevant stakeholders, including government agencies, community organiza-



tions, advocacy groups, law enforcement, defense counsel, prosecutors, judges, educators, families, and the youth themselves, come together to address the challenges facing youth in the system. *Reimagining Reform* recognizes that youth justice issues are complex and multi-faceted, requiring a unified effort from various sectors to create meaningful and sustainable system change. By leveraging the expertise, resources, and perspectives of all stakeholders, an “all hands” approach will move us closer to innovative and effective solutions.

What Can Stakeholders Do? Stakeholders, including policymakers, community leaders, justice system professionals, and advocates, can play a crucial role in reimagining sustainable change by promoting evidence-based practices, addressing systemic biases, advocating for legislative reforms, allocating resources to support rehabilitative programs, fostering collaboration between different sectors, and amplifying the voices of impacted communities.

What Can Lawmakers Do? Lawmakers can enact legislative reforms to reimagine the system by prioritizing prevention, rehabilitation, and diversion programs over traditional punitive measures. They can promote community-based alternatives to incarceration, allocate funding for youth development initiatives, and support policies that promote public safety in a new way by addressing the root causes of delinquency, such as poverty, trauma, and lack of access to education and mental health services. In addition, lawmakers can do the broader

work of eliminating racial and socioeconomic disparities within the system by implementing policies that promote fairness.

What can Youth Defenders, Prosecutors and Judges Do?

>> Youth Defenders. Attorneys representing youth can play a vital role the reimagining of reform by advocating for the rights and expressed interests of their clients accused of delinquency. Youth defenders can work to ensure that youth receive fair proceedings and due process, challenge harsh sentences and transfers to the adult system, and advocate for alternatives to incarceration whenever possible. Defense counsel can also collaborate with clients, families, and community organizations to develop holistic defense strategies that address underlying issues. *Reimagining Reform* highlights the need for zealous representation and active engagement to advance the work of sustainable system change.

>> Prosecutors. Across the counsel table, prosecutors can embrace innovative approaches to the adjudicative process. Prosecutors can prioritize public safety and accountability while advocating for and implementing diversion programs that steer youth away from formal court involvement. They can advocate for more selective use of laws and policies on transfers to the adult system and encourage keeping children in the youth justice system whenever possible to take full advantage of developmentally appropriate interventions and supports. Prosecutors can also utilize data

and research to inform decision-making and identify effective interventions.

>> Judges. Judges play a pivotal role in reimagining reform by adopting progressive approaches that prioritize fairness, rehabilitation, and positive outcomes. Judges can emphasize individualized alternatives to incarceration, dispositions and sentencing. They can consider mitigating factors and the unique circumstances and needs of each child when determining the appropriate course of rehabilitation. They can support restorative justice practices that emphasize accountability, repairing harm to victims and communities. Judges should seek to understand local needs and resources and engage with the community in ensuring access to comprehensive support services that address the social determinants of health. Moreover, judges can address system disparities by promoting fairness for all youth and working to eliminate the biases that are often inherent in the criminal and juvenile legal systems.

What Can Government Agencies Do?

>> Juvenile Justice Agencies. Government agencies charged with oversight of the youth justice system in the state of Texas can implement reforms that prioritize rehabilitation, accountability, and the welfare of youth. These agencies should embrace the “all hands” approach to reform by contributing to the transformation of the system. In light of more than two decades of operational challenges, state and county entities can take steps to protect youth and improve conditions of confinement in se-

cure facilities by adopting trauma-informed practices and training staff to create a safe and supportive environment that promotes resilience.

Although many of these practices are already in place, youth justice leadership has a continuing obligation to:

- Prioritize safety and security by addressing issues such as violence, harassment, abuse, neglect, and exploitation within facilities;
- Implement measures to prevent and respond to incidents of harm, including robust vetting, training, and supervision of direct-service correctional staff;
- Continually review compliance with policies governing the use of restraints, seclusion, and isolation;
- Provide access to quality educational and vocational training as well as programming and activities that support the intellectual, social and emotional development of youth;
- Provide comprehensive mental health services and ensure that staff are trained to recognize and respond to mental health crises in a supportive and therapeutic manner;
- Promote family engagement by involving families in treatment planning and decision-making processes in recognition of the role that families play in supporting the rehabilitation and reintegration of youth;
- Monitor, inspect, and promptly address facility conditions by ensuring compliance with agency standards and policies as well as general safety and sanitation regulations;

- Rethink the concept of facility confinement by adopting modern design concepts that foster a supportive homelike environment where rehabilitation can occur; and
- Ensure that confined youth are empowered to voice concerns and protect their rights through meaningful grievance procedures, which include accessible legal representation and advocacy services to aid the youth in navigating the process free from retaliation.

>> Child-Serving Agencies. Other child-serving entities at the state and local level are often the first service contacts for justice-involved multi-system youth. These entities include protective services, schools, mental health authorities, and others who touch the lives of youth who are experiencing crises in the justice system and child-welfare social system. Practitioners often cite system silos as a primary barrier to providing meaningful programs and services. Child-serving agencies can reimagine reform by disrupting the compartmentalization within the system. These silos hinder collaboration and coordination among stakeholders and lead to fragmented services and support gaps. Silos manifest through a lack of coordination between youth justice agencies, social services, mental health providers, and schools resulting in disconnected, duplicative, or inconsistent support for justice-involved youth and their families. In fact, justice involvement is often the primary justification that some child-serving entities use as the basis for summarily ending the provision of needed services. Instead, practitioners have

described the critical need for a seamless continuum of services. It will be important to identify barriers to collaboration that thwart communication and create legal obstacles to sharing of information and integrated databases. Moving forward, cross-sector partnerships and infrastructure will be needed to ensure that youth and families receive comprehensive coordinated support across the various aspects of their lives.

What Can Data Advocates Do? Data advocates can create an impact through empirical research that can be utilized to inform policy decisions, program development and system practices. Data advocates can encourage lawmakers to invest in comprehensive data collection systems to gather information on key indicators relating to youth justice and analyze demographics, trends, disparities, and areas for improvement. They can use data to identify evidence-based practices used to evaluate, inform, and improve programmatic solutions as well as determine optimal resource allocations. Most importantly, data advocates foster collaboration between researchers, practitioners, policymakers, and community stakeholders to ensure that research and analysis promote innovation and adaptability to emerging best practices and the evolving challenges at every level of the youth justice system.

What Can Impacted Communities Do? Impacted communities can play a significant role in Reimagining Reform by advocating for their needs and priorities, fostering com-

munity-based solutions, and participating in decision-making. Impacted communities must be at the table. They can organize place-based coalitions and grassroots efforts centered around uniquely local youth justice issues and thereby affect the broader system. Impacted communities can engage in dialogue with policymakers and share their voices and experience to highlight the importance of investing in prevention, rehabilitation, and support services for youth. Moreover, they can serve as watch agents to ensure that confined youth are provided with reasonable safety and protection in carceral facility settings. In addition, communities can collaborate with local organizations, schools, and law enforcement

agencies to develop innovative programs that address the underlying causes of youth delinquency in a way that best serves the needs of youth and families.

What Can Youth and Families Do?

Youth and families can take several actions to advocate for positive changes in the youth justice system. Youth and their families can embrace Reimagining Reform by:

- Knowing the rights of youth involved in the justice system, including the right to legal representation, access to education and healthcare, and protection from abuse or mistreatment;
- Connecting with advocacy organizations, legal aid services, and community-based organizations that provide support and resources;
- Participating in decision making with youth justice agencies to provide a youthful perspective on experiences with the system;
- Staying informed about local and state policies;
- Participating in advocacy campaigns and community events aimed at promoting system changes;
- Building support networks of peers, mentors, and other families who have experience navigating the youth justice system;
- Sharing stories and firsthand experiences with policymakers, the media, and the public to raise awareness about the challenges faced by youth and families involved from their firsthand experiences. Youth and families have an essential role and can make significant contributions to statewide policy.



Thoughtful and Sustainable Change

Reimagining Reform lays out a roadmap for thoughtful and sustainable change framed within the context of policymaking as well as past and current challenges in the Texas youth justice system. This report describes the need for the engagement of youth, their families, and a cross-section of stakeholders and affected communities in order to achieve the stated objectives of protecting youth, advancing procedural justice, and identifying diversionary alternatives to incarceration. Despite the frequent news coverage of the serious challenges facing the state's youth justice and child-serving agencies, it is important to also acknowledge the strengths of the interconnected laws that govern policies and processes, ultimately impacting protective and rehabilitative outcomes. The central takeaway is that there is still much work to be done, but this work is not impossible. Sustainable change will require Texans to strategize, embrace innovation, and work collectively on behalf of our most vulnerable citizens, the children and families of this state.

Appendix A.

Acronyms

CINS	Conduct Indicating Need for Supervision
CRCG	Community Resource Coordination Group
CRIPA	Civil Rights of Institutionalized Persons Act
DDAP	Detention Diversion Advocacy Program
DOJ	Department of Justice
FY	Fiscal Year
HHSC	Texas Health and Human Services Commission
JCO	Juvenile Correctional Officer
JPI	Justice Policy Institute
LAR	Legislative Appropriations Request
LSJA	Lone Star Justice Alliance
MOU	Memorandum of Understanding
OIO	Office of Independent Ombudsman
OIG	Office of Inspector General
PREA	Prison Rape Elimination Act
RDA	Regional Diversion Assistance
RJC	Reimagine Justice Coalition
SNDP	Special Needs Diversionary Program
TCJE	Texas Center for Justice and Equity
TCOMI	Texas Council on Offenders with Mental Impairments
TCOOMMI	Texas Correctional Office on Offenders with Medical and Mental Impairments
TDCJ	Texas Department of Criminal Justice
TJJD	Texas Juvenile Justice Department
TJPC	Texas Juvenile Probation Commission
TYC	Texas Youth Council
TYC	Texas Youth Commission
USCCR	United States Commission on Civil Rights

End Notes

¹ The Lone Star Justice Alliance recognizes the often negative connotation of the use of the term “juvenile” and encourages system stakeholders to adopt language that upholds the dignity of all youth. In many places throughout this report, we have consciously – albeit interchangeably – substituted “youth justice system” or “youth” in place of the term “juvenile” except in quoted or summarized language or where context and variety otherwise dictate.

² Model. (n.d.) In *Merriam-Webster’s Dictionary*. <https://www.merriam-webster.com/dictionary/model>.

⁴ *In re Gault*, 387 U.S. 1 (1967).

⁵ The Gault Center, An Overview of Youth Rights in Facilities (2023), <https://www.defendyouthrights.org/wp-content/uploads/Overview-of-Youth-Rights-in-Facilities.pdf>.

⁶ The Editors of Encyclopedia Britannica, *Hippocratic Oath*, BRITANNICA (May 10, 2014), <https://www.britannica.com/topic/Hippocratic-oath>. “In the oath, the physician pledges to prescribe only [beneficial](#) treatments, according to his abilities and judgment; to refrain from causing harm or hurt; and to live an [exemplary](#) personal and professional life.”

⁷ *The State of Juvenile Probation Activity in Texas: Statistical and Other Data on the Juvenile Justice System in Texas*, CY 2022 TEXAS JUVENILE JUSTICE DEPARTMENT (Aug. 2023), <https://www.tjjd.texas.gov/index.php/doc-library/send/334-state-of-juvenile-probation-activity/3339-the-state-of-juvenile-probation-activity-in-texas-2022>.

⁸ *Ibid.*

⁹ Tony Fabelo et al., *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, 63, PUBLIC POLICY RESEARCH INSTITUTE, <https://csgjusticecenter.org/publications/closer-to-home/#:~:text=A%20first%2Dof%2Dits%2D,confined%20in%20state%20correctional%20facilities>.

¹⁰ Section 201.002 (D), Human Resources Code.

¹¹ U.S. Const. amend. VIII. Retrieved from <https://constitution.congress.gov/constitution/amendment-8/#amendment-8>.

¹² U.S. Const. amend. XIV. Retrieved from <https://constitution.congress.gov/browse/amendment-14/>.

¹³ *Miller v. Calhoun County*, 408 F.3d 803, 812-813 (6th Cir. 2005). The Eighth Amendment protections apply generally to post-conviction inmates, but the Due Process Clause of the Fourteenth Amendment guarantees pretrial detainees the same protections.

¹⁴ Investigation of the Shelby County Juvenile Court, 56, UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION (Apr. 26, 2012), https://www.justice.gov/sites/default/files/crt/legacy/2012/04/26/shelbycountyjuv_findingsrpt_4-26-12.pdf.

¹⁵ 42 U.S.C. Sec. 1983, Civil Action for Deprivation of Rights, <https://www.govinfo.gov/app/details/USCODE-2022-title42/US-CODE-2022-title42-chap21-subchapl-sec1983>. This federal law confers the right to sue persons acting under color of law for civil rights violations.

¹⁶ 34 U.S.C. Sec.12601, Cause of Action. This provision gives the Department of Justice authority to investigate government agencies and provides a cause of action for violations in the juvenile justice system.

¹⁷ 42 U.S.C. Sec. 1997, Civil Rights of Institutionalized Persons Act (CRIPA). CRIPA gives the Department of Justice authority to bring cases to protect the civil rights of institutionalized persons.

¹⁸ *An Overview of Youth Rights in Facilities*, *supra* note 5.

¹⁹ Fabelo, *supra* note 9 at 55.

²⁰ Fabelo, *supra* note 9 at 60.

²¹ Fabelo, *supra* note 9 at 61.

²² Robert Mendel, *Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice*, THE SENTENCING PROJECT (March 2024), <https://www.sentencingproject.org/app/uploads/2024/03/Protect-and-Redirect-Americas-Growing-Movement-to-Divert-Youth-Out-of-the-Justice-System.pdf>.

²³ *Id.* at 8.

²⁴ Detention Diversion Advocacy Program, CENTER ON JUVENILE & CRIMINAL JUSTICE, <https://www.cjcb.org/our-programs/detention-diversion-advocacy-program-ddap>.

²⁵ Mendel, *supra* note 23 at 8.

²⁶ *In re Gault*, *supra* note 4. The 1967 Supreme Court case of *In Re Gault*, guaranteed due process, the assistance of counsel, and other constitutional rights routinely afforded to adults in criminal proceedings. While these guarantees are essential, some have argued that it transformed delinquency cases from the purview of social agencies into a quasi-criminal proceedings.

²⁷ Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence*, 182, First Mariner Books (2015).

²⁸ William S. Bush, *The Path to the Texas Youth Council: Creating a Protective Umbrella for Juvenile Offenders (Part 1)*, TEXAS CRIMINAL JUSTICE COALITION (2008) <https://www.njjn.org/uploads/digital-library/part1.pdf>.

²⁹ Bill Bush, *For more than a century, Texas youth prisons have fostered abuse*, THE WASHINGTON POST (Oct. 25, 2021), <https://www.washingtonpost.com/outlook/2021/10/25/more-than-century-texas-youth-prisons-have-fostered-abuse/>.

³⁰ *In re Gault*, *supra* note 4. The doctrine of the benevolent parent as discussed in *In re Gault* refers to the principle that juvenile courts should act in the best interests of the child in a similar manner as a caring parent.

³¹ *Morales v. Turman*, 535 F.2d 864 (5th Cir.1976), rev'd on grounds other than finality, 430 U.S. 322, 97 S.Ct. 1189, 51 L.Ed.2d 368 (1977).

³² LBB Staff, *A Brief History of the Texas Juvenile Justice Department*, LEGISLATIVE BUDGET BOARD (Aug. 2016), https://www.lbb.texas.gov/Documents/Publications/Issue_Briefs/3082_Brief_History_TX_JJD.pdf. In 1983, the Sixty-eighth Legislature changed the name of the Texas Youth Council to the Texas Youth Commission (TYC).

³³ Paul Duggan, *George W. Bush: The Texas Record --Youth Feel The Force of A Vow Kept; Juvenile Justice Overhaul Reflects Tougher Approach*, THE WASHINGTON POST (Nov. 9, 1999), <https://www.washingtonpost.com/wp-srv/WPcap/1999-11/09/075r-110999-idx.html>.

³⁴ House Bill 327, 74th R.S. (1995). As enacted in 1995, HB 327 reflected a change in the legislative purposes of the Texas juvenile justice system. While lawmakers retained the concept of rehabilitation, it expanded its focus on accountability and the concept of punishment. Primary draftsman Robert O. Dawson's comments regarding the impact of the conceptual and philosophical shift inherent in the amendments to the 1995 Juvenile Justice Code observed "both of these models have always been present in the juvenile justice system, so the question is not either/or but where the emphasis should be placed." *State Bar Section Report*, Special Legislative Issue, Vol. 9, No. 3 (August 1995).

³⁵ Texas Juvenile Probation Commission, Article V, p. V-35 (HB 1), Acts of the 74th Legislature, Regular Session, 1995 (General Appropriations Act). The funding appropriated to the Texas Juvenile Probation Commission assisted local juvenile probation departments to construct and/or acquire local and regional pre- and post-adjudication secure correctional facilities financed out of general obligation bonds.

³⁶ *Id.*

³⁷ H.B. 2947, 76th Legis. Reg. Sess. (1Tex. 999). <https://capitol.texas.gov/billlookup/Text.aspx?LegSess=76R&Bill=HB2947>
The Fiscal Note prepared in advance of the enactment of HB 2947 projected a decrease in the population of youth committed to the former Texas Youth Commission by 150 in FY 2000 and 225 in the following years.

³⁸ Compliance Resource Manual II, *Local Post Adjudication Fund*, TEXAS JUVENILE PROBATION COMMISSION.
The former Texas Juvenile Probation Commission provided grant funds to help defray the cost of operating 19 secure post-adjudication correctional facilities built in whole or part using general obligation bond proceeds appropriated by the Legislature in 1995.

³⁹ Gary Hunter, *Scandal Rocks Texas Youth Commission*, PRISON LEGAL NEWS (Feb. 15, 2008), <https://www.prisonlegal-news.org/news/2008/feb/15/scandal-rocks-texas-youth-commission-youths-molested-by-school-supervisors/>.

⁴⁰ *Id.*

⁴¹ Prison Rape Elimination Act (PREA) of 2003 (P.L. 108-79).

⁴² *Male Rapes in U.S. Prisons: The Case History of Rodney Hulin*, UNITED STATES HUMAN RIGHTS WATCH, https://www.hrw.org/reports/2001/prison/rodney_hulin.html.

⁴³ S.B. 103, 80th Legis. Reg. Sess. (Tex. 2007).

⁴⁴ Legislative Media, *Governor Signs Texas Youth Commission Reform Legislation Authored by Sen. Hinojosa*, June 11, 2007, <https://edburgpolitics.com/2007/06/11/gov-perry-signs-texas-youth-commission-reform-legislation-authored-by-sen-hinojosa/>.

⁴⁵ *Morales v. Turman*, *supra* note 32. In 1984, the former Texas Youth Commission entered into a settlement agreement under *Morales* that required the agency to provide rehabilitative treatment and implement practice, policies, and procedures to improve the conditions of confinement for adjudicated youth committed to state custody. Much of this litigation was informed by *Ruiz v. Estelle*, a case applicable to adult prisons. 503 F. Supp. 1265 (S.D. Tex. 1980). Specifically, *Ruiz* challenged conditions in Texas Department of Criminal Justice (TDCJ) facilities such as inadequate healthcare, unsafe working conditions, overcrowding, and severe and arbitrary disciplinary procedures.

⁴⁶ Section 202.010, Human Resources Code. The enabling authority for the Texas Juvenile Justice Department (TJJD) was continued by amending the statute in 2015, 2019, and 2021 without a sunset review. In 2023, the Sunset Review Commission conducted a review of TJJD and presented recommendations to the Legislature. The agency is set to undergo the next sunset review process in 2027. It is noted that the Texas Department of Criminal Justice is also subject to review in advance of the 2027 session. See S.B. 1630 (84th R.S.) 2015. and S.B. 619 (86th R.S.) 2019 and S.B. 1727 (88th R.S.) 2023.

⁴⁷ Jolie McCullough, *Governor Abbott asks Texas Rangers to investigate sexual abuse at youth lockups*, TEXAS TRIBUNE (Dec. 13, 2017), <https://www.texastribune.org/2017/12/13/abbott-asks-texas-rangers-investigate-sexual-abuse-youth-lockups/>.

⁴⁸ The Texas Model Plan for Reform, TEXAS JUVENILE JUSTICE DEPARTMENT, (Oct. 2020), <https://www.tjtd.texas.gov/index.php/doc-library/send/633-texas-model/2512-the-texas-model-plan-for-reform> at 4.

⁴⁹ Richard A. Mendel, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*, ANNIE E. CASEY FOUNDATION (2010), <https://www.njjn.org/uploads/digital-library/model.pdf>.

⁵⁰ Texas Juvenile Justice Department, *What is the Texas Model?* (2018), <https://www.tjtd.texas.gov/index.php/what-is-the-texas-model>. TJJD describes the Texas Model as a “comprehensive approach to managing and improving the juvenile justice system. The purpose of the Model is to help youth increase their chances of success in life while also making our communities safer. In developing and refining the Texas Model, we use science and evidence to find ways to reach the youth in our care.”

⁵¹ Mendel, *supra* note 55.

⁵² Laura A. Bischoff, *Gov. Mike DeWine: Close Ohio's 3 youth prisons, build a dozen smaller facilities*, CINCINNATI.COM | THE ENQUIRER (Jan. 21, 2024), <https://www.cincinnati.com/story/news/politics/2024/01/21/mike-dewine-endorses-closing-ohio-youth-prisons-building-smaller-ones/72270843007/>. Ohio Governor Mike DeWine appointed a panel of experts to study issues and make recommendations on whether to close three youth prisons and replace them with close-to-home juvenile lockups. Louisiana and Illinois have also incorporated smaller homelike facilities to shift focus from more punitive measures in alignment with the overarching goals of the Missouri Model.

⁵³ SB 653, Legis. Reg. Sess. (2011). The Legislature established a unified juvenile justice system by consolidating the leadership and functions of the two predecessor agencies into the Texas Juvenile Justice Department. The legislation ended the former Texas Youth Commission's role in the operation and oversight of state secure correctional facilities and parole services and the Texas Juvenile Probation Commission's oversight of county juvenile probation services.

⁵⁴ Texas Youth Commission, Article V, (HB 1), Acts of the 82nd Legislature, Regular Session, 2011 (General Appropriations Act). Upon the abolishment of TYC and TJPC in SB 653, justice funding for facilities operated by the former Texas Youth Commission was transferred to contingent riders that applied to the newly created Texas Juvenile Justice Department. The contingent riders required the closure of three TJJD facilities.

⁵⁵ Associated Press, *TYC to shut down 3 facilities*, VICTORIA ADVOCATE (June 3, 2011), https://www.victoriaadvocate.com/news/business/tyc-to-shut-down-facilities/article_a3338cc4-e10b-57c6-9c83-394a54a2ba13.html.

⁵⁶ *TYC to close Marlin, San Saba lockups*, TEMPLE DAILY TELEGRAM (June 23, 2007), https://www.tdtnews.com/archive/article_781daf6e-eae2-56f1-9ba1-b16ff2d926a3.html. In the midst of a declining youth population and the significant legislative reforms in 2007, former TYC state secure facilities were transferred to the Texas Department of Criminal Justice (TDCJ). The J.W. Hamilton Jr. State School in Bryan was previously an adult prison renovated for juveniles. The facility was retrofitted for adult incarceration in 2003. The Marlin Orientation and Assessment Unit (now the Marlin Unit) was transferred to TDCJ in 2007. The former San Saba State School was transferred in 2007 and is operated by TDCJ as the San Saba Unit.

⁵⁷ Maurice Cammah, *Closing Corsicana: Lessons from a Juvenile Lock-Up*, TEXAS TRIBUNE (Feb. 12, 2014), <https://www.texastribune.org/2014/02/12/corsicana-closure-lessons-juvenile-lock-/>.

⁵⁸ Jolie McCullough, *Almost 600 Texas youths are trapped in a juvenile prison system on the brink of collapse*, TEXAS TRIBUNE (Aug. 2, 2022) <https://www.texastribune.org/2022/08/02/texas-juvenile-prisons-crisis/>.

⁵⁹ *Supra* note 55.

⁶⁰ Fabelo, *supra* note 9.

⁶¹ *Id.*

⁶² S.B. 1630, 84th Legis. Reg. Sess. (Tex. 2015). The change in the law required the juvenile court to make special findings at disposition regarding eligibility for commitment to TJJD custody. Essentially, the court must make an affirmative finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community. The law relating to commitments to a county post-adjudication facility applied to the Travis County pilot program which expired in 2018.

⁶³ *Author's Comment*: In the early 2000s, former TJPC originally identified seven geographical regions aligned with the regional chiefs' associations to accommodate training needs and leverage the agency's funding formulas for the distribution of State Aid. In recent years, the Regionalization Task Force and the Advisory Council on Juvenile Services have played a pivotal role in implementing the process codified in SB 653 in 2011.

⁶⁴ Sec. 201.003(4), Human Resources Code.

⁶⁵ SB 1630, 82nd Legis. Reg. Sess. (2015).

⁶⁶ Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, Juvenile Residential Facility Census Databook: 2000- 2018. See also, TJJD Self Evaluation Report (2021) at 23.

⁶⁷ TJJJ Self Evaluation Report to Sunset Advisory Commission (Sep. 1, 2021) , https://www.sunset.texas.gov/public/uploads/files/reports/TJJJ-SER_09-01-21.pdf.

⁶⁸ *Id.* at 46.

⁶⁹ *Id.* at 320.

⁷⁰ *Id.* at 347.

⁷³ CBS Austin, Texas *Juvenile Justice Department reports 13 new Covid-19 cases*, CBS NEWS AUSTIN (June 28, 2020), <https://cbsaustin.com/news/local/texas-juvenile-justice-department-reports-13-new-covid-19-cases>.

⁷⁴ Texas Juvenile Justice Department, Covid-19 Response (2020), <https://www.tjjd.texas.gov/index.php/covid19>.

⁷⁵ Jolie McCullough, *Pay raises alone won't solve staffing shortages in "nightmare" Texas youth prisons, ex-workers say*, TEXAS TRIBUNE (Nov. 17, 2022) <https://www.texastribune.org/2022/11/17/texas-juvenile-prisons-employee-raises/>.

⁷⁶ 37 Texas Administrative Code Sec. 380.9707 governs the minimum standards for supervision ratios in TJJJ state secure facilities. During the coronavirus pandemic, supervision ratios required under 37 Texas Administrative Code, Ch. 343 standards for county pre- and post-adjudication facilities were also impacted.

⁷⁷ Office of Public Affairs, *Justice Department Announces Investigation into Conditions at Five Juvenile Facilities in Texas*, DEPARTMENT OF JUSTICE (Oct. 13, 2022), <https://www.justice.gov/opa/pr/justice-department-announces-investigation-conditions-five-juvenile-facilities-texas>.

⁷⁸ Jolie McCullough, *U.S. Department of Justice investigating abuse, mistreatment at Texas juvenile lockups*, TEXAS TRIBUNE (Oct. 13, 2021), <https://www.texastribune.org/2022/08/09/texas-juvenile-prisons-crisis/>.

⁷⁹ The Juvenile Division of the Special Prosecution Unit was created under SB 653 to prosecute crimes and delinquent conduct that occur in TJJJ facilities.

⁸⁰ Jordan Arizmendi, *Texas Ships its Most Trouble Youth to Adult Prisons*, PRISON LEGAL NEWS (June 27, 2023), <https://www.prisonlegalnews.org/news/2023/jun/27/texas-ships-its-most-troubled-youth-adult-prisons/>.

⁸¹ Lisa Armstrong, *Texas imprisoned Joshua Keith Beasley Jr. when he was 11, purportedly for his own good. Five years later, he returned home in a casket*, TEXAS TRIBUNE (April 28, 2023), <https://www.texastribune.org/2023/04/28/texas-juvenile-justice-suicide-joshua-keith-beasley/>.

⁸² TJJJ OIG Sunset Advisory Commission Staff Report 2022-23 at 17-18.

⁸³ Sarah N. Lynch & Eric Beech, *U.S. Justice Department Opens Probe of Texas Juvenile Detention Facilities*, THOMSON REUTERS (October 13, 2021), <https://www.reuters.com/world/us/us-justice-department-opens-probe-texas-juvenile-detention-facilities-2021-10-13/>; Brandi Grissom & Sue Ambrose, *Fights, sex, drugs: Texas juvenile lockup on the verge of crisis, reports show*, DALLAS MORNING NEWS (Nov. 16, 2017), <https://www.dallasnews.com/news/investigations/2017/11/17/fights-sex-drugs-texas-juvenile-lockup-on-the-verge-of-crisis-reports-show/>.

⁸⁴ *Supra* note 64.

⁸⁵ Paul Livengood and Matt Howerton, *Texas juvenile detention facilities halting youth intake due to 'critical staffing shortage,'* WFAA -ABC FORT WORTH (July 8, 2022), <https://www.wfaa.com/article/news/local/texas-juvenile-detention-center-halted-staffing-shortage/287-1e12d0b2-7284-4561-b120-959a6d45cf3a>.

⁸⁶ *Id.*; See also note 30, which reflects a count of 130 on June 29, 2022.

⁸⁷ *Supra* note 64.

⁸⁸ Shandra Carter, *Email to Juvenile Probation Counties: TJJD Intake Update* (June 29, 2022), KUT/TEXAS JUVENILE JUSTICE DEPARTMENT, <https://www.kut.org/crime-justice/2022-07-07/texas-juvenile-detention-system-closes-doors-to-new-children>.

⁸⁹ *Supra* note 64.

⁹⁰ USCCR Mental Healthcare in the Texas Juvenile Justice System, <https://www.usccr.gov/reports/2024/mental-health-care-texas-juvenile-justice-system>

⁹¹ Department of Justice Press Release, *supra* note 93.

⁹² Ali Linan, *Bill looks to close five remaining youth prisons*, HERALD BANNER (March 10, 2023), https://www.heraldbanner.com/news/bill-looks-to-close-five-remaining-youth-state-prisons/article_180f824c-bf56-11ed-90a4-e3f1882d9819.html.

⁹³ Alycia Castillo, *Finish the 5: Our Journey to Zero Youth Prisons in Texas*, TEXAS CENTER FOR JUSTICE AND EQUITY, <https://www.texascje.org/system/files/publications/2022-10/finish-5-our-journey-zero-youth-prisons-texas.pdf>.

⁹⁴ *Id.* at 1.

⁹⁵ *Id.*

⁹⁶ H.B. 4356, 88th Legis. Reg. Sess. (Tex. 2023).

⁹⁷ HB 4356 contained amendments that would have created a new agency called the Office of Youth Safety and Rehabilitation.

⁹⁸ *Id.* HB 4356 was left pending in committee on April 5, 2023.

⁹⁹ *Joint Statement by Fair and Just Prosecution and Youth Correctional Leaders for Justice on Closing Youth Prisons*, YOUTH CORRECTIONAL LEADERSHIP FOR JUSTICE (Aug. 18, 2023), <https://yclj.org/yclj-statement-1>.

¹⁰⁰ *Ibid*, Joint Statement.

¹⁰¹ H.B. 16, 89th Legis. Reg. Sess. (2023). H.B. 16 was an LSJA initiative was filed as a priority bill of the Speaker of the House Dade Phelan. The bill moved successfully to Engrossment and was referred to the State Affairs Committee in the Senate, but ultimately did not pass. <https://legiscan.com/TX/bill/HB16/2023>.

¹⁰² Annie E. Casey Foundation, *A Texas Community Builds a Better Juvenile Justice Option*, Blog (February 9, 2023), <https://www.aecf.org/blog/a-texas-community-builds-a-better-juvenile-justice-system>.

¹⁰³ Texas Juvenile Justice Department, *Legislative Appropriations Request for Fiscal Years 2024 – 2025* (August 2022), <https://www.tjjd.texas.gov/index.php/press-releases/send/695-lar-2022/3230-lar-2024-2025>.

¹⁰⁴ Texas Juvenile Justice Department, *Sunset Advisory Commission Self-Evaluation Report* (September 2021), <https://www.tjjd.texas.gov/index.php/doc-library/send/664-sunset-review/2938-sunset-self-evaluation-2021>.

¹⁰⁵ Texas Juvenile Justice Department, Article V, 628/V-38 (HB 1), Acts of the 89th Legislature, Regular Session, 2023 (General Appropriations Act).

¹⁰⁶ *Id.* at 8.

¹⁰⁷ H.B. 16, 89th Legis. Reg. Sess. (2023). H.B. 16 was an LSJA initiative was filed as a priority bill of the Speaker of the House Dade Phelan. The bill moved successfully to Engrossment and was referred to the State Affairs Committee in the Senate, but ultimately did not pass. <https://legiscan.com/TX/bill/HB16/2023>.

¹⁰⁸ Dallas Morning News Editorial, *Texas wants to build more youth lockups, but who's going to work there?* DALLAS MORNING NEWS (Feb. 26, 2024) <https://www.dallasnews.com/opinion/editorials/2024/02/26/texas-wants-to-build-more-youth-lockups-but-whos-going-to-work-there/>.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ The TJJD Registry notes that there are 24 post-adjudication facilities in 2024. 19 facilities were construction bond facilities authorized through the General Appropriations Act in 1995 are still operating in Texas counties. *Supra* note 37.

¹¹² Legislative Appropriations Request, *supra* note 110.

¹¹³ Sunland Group, *Texas Juvenile Justice Department: Feasibility Study for Three New Facilities* (2022).

¹¹⁴ *Id.* at 21.

¹¹⁶ Texas Juvenile Justice Department, Article V, 628/V-38 (HB 1), Acts of the 88th Legislature, Regular Session, 2023 (General Appropriations Act). GA Rider #41, Strategy B.3.1., Construct and Renovate Facilities outlined the authority for the construction of 200 facility beds.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Sunset Final Report to the 88th Legislature, *Texas Juvenile Justice Department*, SUNSET ADVISORY COMMISSION (June 2023), https://www.sunset.texas.gov/public/uploads/2023-06/Final%20Results%20of%20Sunset%20Reviews%202022-23_6-27-23.pdf.

¹²⁰ *Id.*

¹²¹ Sunland Group, *Texas Juvenile Justice Department: Final Feasibility Study for Three New Facilities* (Mar. 5, 2024), <https://www.tjjd.texas.gov/index.php/doc-library/send/146-about/3481-facilities-commission-feasibility-study-for-tjjd-facilities-02-2024>.

¹²² *Id.* at 5.

¹²³ *Id.* at 15.

¹²⁴ Mark Soler & DLR Group, *Lone Star Justice Alliance Response to TJJD Facility Review*, 1 LONE STAR JUSTICE ALLIANCE (May 11, 2023), <https://www.lonestarjusticealliance.org/project/2023-lsja-response-to-tjjd-facility-review/>.

¹²⁵ Barry Holman & Jason Ziedenisberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 4 JUSTICE POLICY INSTITUTE (2006), https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_jj.pdf.

¹²⁶ See Soler & DLR, *supra* note 131.

¹²⁷ *Id.*

¹²⁸ Christian Von Wupperfeld, *General Counsel's Message, Special Legislative Issue*, 37 JUVENILE LAW SECTION OF THE STATE BAR 21-22, (August 2023).

¹²⁹ *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460 (2012).

¹³⁰ *Moon v. State*, 451 S.W.3d 28 (Tex. Crim. App. 2014) (overruled by *Ex Parte Thomas*, 623 S.W.3d 370 (Tex. Crim. App. 2021), reh'g denied (June 23, 2021)).

¹³¹ Art. 44.47, Code of Criminal Procedure. [Repealed].

¹³² Sec. 56.01, Family Code.

¹³³ *Ex parte Thomas*, 623 S.W.3d 370 (Tex. Crim. App. 2021). Steven Thomas committed capital murder at age 16. At 19, the juvenile court waived jurisdiction and transferred the case to the district court. Thomas pled guilty to the lesser charge of murder. After the ruling in *Moon*, Thomas appealed arguing that the juvenile court's failure to satisfy the requirements set out in *Moon* rendered the entire criminal proceeding void because the district court never had jurisdiction over him.

¹³⁴ *J.R. v. State*, 624 S.W.3d 851, 854 (Tex. App.—Dallas 2021, no pet.).

¹³⁵ *Id.* at 855.

¹³⁶ Joshua Luke Sandoval, *Reaching the Moon and the Meaning of a Pivotal Juvenile Law Case*, TEXAS PROSECUTOR (July-August 2023), <https://www.tdcaa.com/journal/reaching-the-moon-and-the-meaning-of-a-pivotal-juvenile-law-case/>.

¹³⁷ *Id.*

¹³⁸ S.B. 1727, 88th Legis. Reg. Sess. (Tex. 2023).

¹³⁹ Sec. 244.014(a-1), Human Resources Code.

¹⁴⁰ Texas Juvenile Justice Department (2024). TJJD Determinate Sentence Youth Transferred to TDCJ, Texas, FY 2022-2023 [Excel Dataset]. It should be noted the legislature declined to embrace this strategy during the 88th Session. Transfers of this population committed youth have nevertheless increased.

¹⁴¹ Sec. 522.0153, Government Code.

¹⁴² Section 58.009, Family Code.

¹⁴³ Section 53.011, Family Code.

¹⁴⁴ Section 541.0101, Government Code.

¹⁴⁵ Health and Human Services Commission, *History and Legislation of Community Resource Coordination Groups in Texas*, <https://crcg.hhs.texas.gov/history-and-legislation.html#:~:text=CRCGs%20originated%20with%20Texas%20legislation,with%20complex%20multi%20agency%20needs.>

¹⁴⁶ *Id.*

¹⁴⁷ H.B. 4611, 88th Legis. Reg. Sess. (Tex. 2023).

¹⁴⁸ Sec. 552.0152, Government Code.

¹⁴⁹ Sec. 522.0153, Government Code.

¹⁵⁰ Chapter 614, Health, and Safety Code.

¹⁵¹ Texas Juvenile Justice Department, Grant M - *Special Needs Diversionary Program* (SNDP) (2020-2021).

¹⁵² Chapter 614, Health, and Safety Code.

¹⁵³ S.B. 26, 88th Legis. Reg. Sess. (Tex. 2023).

¹⁵⁴ Stephen Simpson, *Texas Senate approves \$15 million bill to expand local mental health treatment options for children and families*, TEXAS TRIBUNE (Apr. 13, 2023), <https://www.texastribune.org/2023/04/13/texas-senate-mental-health-children/>.

¹⁵⁵ Sec. 58.0052, Family Code. In Title 3 of the Family Code a multi-system youth is defined as a person who is younger than 19 years of age and has received services from two or more juvenile service providers. Juvenile service provider is defined in Sec. 58.005, FC as a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile.

¹⁵⁶ Sarah D. Cate, *The Myth of the Community Fix: Inequality and the Politics of Youth Punishment*, OXFORD UNIVERSITY PRESS (2023).

¹⁵⁷ World Health Organization, *Social Determinants of Health*, https://www.who.int/health-topics/social-determinants-of-health#tab=tab_1. The World Health Organization describes the social determinants of health as “the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life.”