

***EXPEDITING JUVENILE JUSTICE IN
TEXAS' 417TH JUDICIAL DISTRICT COURT***

Institute for Court Management
Court Executive Development Program
2010 – 2011 Phase III Project

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***EXPEDITING JUVENILE JUSTICE IN TEXAS'
417TH JUDICIAL DISTRICT COURT***

By: Angel Marksberry

ABSTRACT

The 417th Judicial District Court (417th DC) is located in the county seat, McKinney, Collin County, Texas. The 417th DC hears and gives preference to all juvenile matters, in addition to family, child abuse, civil and other non-criminal matters. Efficient and effective court management is a challenge with such an intricate caseload.

This study examined the causes of case processing delay for those juveniles held in short term detention or “interim detention” while awaiting disposition. Examination of case processing procedures for each department and agency involved in juvenile cases filed in the 417th DC is the focus of this project. Methods of research included a literature review, a statistical review, interviews, and a process and procedural review for each department associated with 417th DC in Collin County.

For the two and half year time period studied, it was determined that six percent of delinquent youth were detained until their case was disposed. Of this six percent, the number of days spent in detention ranged from 44 days to 82 days, depending on the type of petition filed.

Identifying the causes of delay in case processing supports implementation of process and procedural changes throughout the Collin County juvenile justice system.

Although the 417th DC processes some cases within the recommended standards set forth by the Institute of Judicial Administration/American Bar Association, the Office of Juvenile Justice and Delinquency Prevention, and the National Council of Juvenile and Family Court Judges, there are areas in which procedures can be streamlined and improved to help the Court run more efficiently and effectively. For those delays that are beyond the Court's control, recommendations are made where applicable.

For new policy implementation and recommendations, the best interest of the child is of the utmost importance. A few examples of ways to improve the juvenile justice system in Collin County that were identified by this study are:

- 1) simplify the process for parents and children, requiring fewer appearances resulting in less time taken off work and fewer days missed from school;
- 2) require case preparation by juvenile attorneys and prosecutors prior to court appearances;
- 3) increase public awareness on the operation of the Collin County Juvenile Justice System;
- 4) seek community support to provide more services for Collin County's youth and their families; and
- 5) forge a closer relationship between the schools, police departments, cities and the courts.

INTRODUCTION

The Texas judicial system is highly complex, containing five layers of courts where there are several instances of overlapping jurisdiction (See Appendix A).

Texas has 254 counties, which is more than any other state(See Appendix B). With an estimated population of 791,631 in 2009, Collin County, is one of the fastest growing counties in Texas.¹ Collin County is comprised of nine judicial district courts with general jurisdiction, six county courts at law, one probate court, four justices of the peace courts and 19 municipal courts.

The 417th Judicial District Court (417th DC) is located in the county seat, McKinney, Collin County, Texas. Although a general jurisdiction court, by statute the 417th DC gives preference to juvenile matters.² In addition to all juvenile delinquency matters, the 417th DC also hears civil, family, child abuse, and other non-criminal matters. Prior to the 417th DC's inception on September 15, 2004, juvenile delinquency cases were filed by rotation in all district courts.

The intricate caseload of the 417th DC requires efficient and effective court management to ensure that justice is served without delay while protecting the due process rights of youth. Examination of case processing procedures for each department and agency involved in juvenile cases filed in the 417th DC is the focus of this project. This review of processes will help identify the causes of delay for those cases that are filed on juveniles in short term detention, to help ensure they are disposed of in a timely manner. By determining where the disruption in

¹ U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48085.html>, (accessed August 15, 2010).

² Texas Government Code, Section 24.561, <http://law.onecle.com/texas/government/24.561.00html>, (accessed August 16, 2010).

procedure lies, changes can be implemented to expedite disposition of these juvenile cases.

The 417th DC is faced with many challenges regarding juvenile delinquency cases. A few examples include: referring agencies filing untimely reports with the District Attorney's office, an increase in the number of cases filed causing a backlog for intake, forensic evidence delays, the unavailability of witnesses, and the lack of resources for families causing placement issues. Docketing is also a challenge for the Court because of the numerous case types. There must be a balance for each case type, with preference given to all juvenile matters.

Although timeliness is essential for detained juveniles, appropriate consideration to each aspect of the case must be given to ensure fairness and justice. Juvenile delinquency cases are very complex, and some case processing delay may be beyond the Court's control. This is why delinquency cases are considered on an individual basis and difficult to measure. Providing delinquent youth with a fair juvenile justice system and determining what is in their best interest is of the utmost importance.

LITERATURE REVIEW

Detention is the placement of an accused juvenile in a home or facility other than that of a parent, legal guardian, or relative. Detained juveniles awaiting disposition of their case (s) are often in limbo and at the mercy of those involved with the juvenile justice system. These juveniles depend on the juvenile delinquency court in which their case is heard to run effectively and efficiently, while protecting their rights to due process. The reviewed literature, shows that not only are there different opinions on how to detain juveniles, on the processes and procedures of how the juvenile justice system operates, and on the beliefs on how detained juveniles should be treated, but these opinions are in constant flux. Many researchers question, how does this interim period of detention, the time from arrest to disposition, affect juveniles? “The confusion surrounding the proper function of interim detention is whether it should be imposed with an assumption of innocence or an assumption of guilt, and whether the need for custody or the need for rehabilitation should be the focus.”³

In order to identify causes of delay regarding cases that are filed on juveniles detained in short term detention, an understanding of the history of juvenile delinquency courts and why they were created is helpful. In addition, review of the performance measures and time standards for juvenile delinquency courts, the causes of delay, and the importance of timeliness in juvenile cases are also required to successfully complete this project.

³ Institute of Judicial Administration and American Bar Association (IJA and ABA), *Standards Relating to: Interim Status: The Release, Control and Detention of Accused Juvenile Offenders Between Arrest and Disposition*, (1979), 55.

The Inception and Purpose of Juvenile Delinquency Courts

Prior to the establishment of the first juvenile delinquency court, America followed England's legal traditions. In these traditions, people were categorized as "infants" or "adults" and youth who broke the law were only afforded three options:

1. Any child below age seven was presumed to be incapable of criminal intent and conclusively exempt from prosecution and punishment.
2. Children ages seven through 14 could invoke the "infancy defense" and try to convince the court of their incapacity for criminal intent. The prosecutor would counter such a defense to show criminal capability, and if successful, the child would face criminal penalties, including imprisonment or death.
3. Children over the age of 14 were always prosecuted and punished as if they were adult criminals.⁴

In the 1800s, a movement for prevention of cruelty to children was started by the members of the Society for the Prevention of Cruelty to Animals, which resulted in establishing separate courts for juveniles and adults.⁵ Operation of the Juvenile Court of Cook County (Chicago, Illinois) began in 1899; this was the first juvenile court in the United States. By 1925, all but two states followed Illinois' lead and based their juvenile courts on the British doctrine of *parens patriae* (the state as parent).⁶ The concept for juvenile courts included

⁴ National Council of Juvenile and Family Court Judges (NCJFCJ), *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases (Reno, NV)*, 11.

⁵ *Ibid*, 11.

⁶ *Ibid*, 11-12.

individualized justice and focused on the offender, and not the offense, and on rehabilitation instead of punishment.⁷

This concept required courts to balance the needs of delinquent youth, families and communities, which produced such court processes as:

- The juvenile delinquency court controlling its own intake, as opposed to the criminal court, where grand juries and prosecutors controlled intake;
- The option of handling cases informally as opposed to formally;
- Less formal hearing procedures;
- Confidential proceedings;
- The absence of attorneys except in trials or the most serious cases; and
- Dispositions based on perceived remedial need instead of automatic dispositions determined by the offense.

Changes to the juvenile justice system began to take place between 1960 and 1970.

Courts were changing their practices by moving away from the *parens patriae* doctrine in response to three U.S. Supreme Court decisions, which indicated that the rights of juveniles were not being upheld. The three cases responsible for this pendulum shift are:

1. *Kent v. United States* (1966) established that transfer to criminal court must consider due process and fair play, and that the youth must be represented by an attorney who must have access to the youth's juvenile records.
2. *In re Gault* (1967) established that juveniles had the constitutional right to notice of the proceedings, the right to counsel, the right to confront and cross examine accusers, the right against self incrimination (i.e., the right to remain silent), and the right to appeal a decision of the juvenile delinquency court. Aggregately, these rights are referred to as due process rights.
3. *In re Winship* (1970) changed the burden of proof from preponderance of evidence to proof beyond a reasonable doubt.⁸

⁷ Ibid, 12.

⁸ Ibid, 12.

The U.S. Supreme Court made another decision, *McKeiver v Pennsylvania* (1971), which determined that juveniles had no right to trial by jury. During this period, concerns arose for status offenders, who were youth who had committed acts that would not be considered criminal if committed by adults. These concerns caused the creation and approval of the Juvenile Justice and Delinquency Prevention Act of 1974, (Act) which limited the detention of status offenders and required that juvenile offenders be separated from adults in jails and institutions.⁹

Juvenile delinquency courts continued to change their practice by responding to the increase in volume of cases, the seriousness of the crimes committed by youth, the confidentiality concerns, the need of prosecutor's involvement in most juvenile proceedings, and toughening sanctions for delinquent behavior.¹⁰ Although legislatures were tightening up on juvenile crime, the delinquency courts were exploring the model of Balanced and Restorative Justice (BARJ).¹¹ The concept of this model was to give equal consideration to: a) protecting the community, b) accountability to the juvenile offenders, and c) helping the juvenile offenders obtain the skills and attitudes needed to be law-abiding and productive

⁹ Ibid, 12.

¹⁰ Ibid, 13.

¹¹ Ibid, 14.

members of society.¹²

Another shift occurred when the U.S. Supreme Court overturned the decision of *Stanford v Kentucky* (1989), regarding the execution of persons who were 16 or 17 years of age and the Eighth Amendment's prohibition against "cruel and unusual punishment." Finally, in *Roper v. Simmons* (2005) it was recognized that this concept had changed nationally and any person under the age of 18 was excluded from capital punishment.¹³ In *Graham v. Florida* (2010), the U.S. Supreme Court found that a juvenile offender may not be sentenced to life in prison without parole for a non-homicide crime.¹⁴

In today's society, families are faced with even more difficult challenges causing an escalation of juvenile delinquent behavior. It is obvious that to protect the rights of youth and communities, to ensure that juvenile delinquents are held accountable for their actions, and to provide some sort of rehabilitation to correct their delinquent behavior, there is still a need for juvenile delinquency courts.

Performance Measures and Time Standards in Juvenile Delinquency Cases

Beginning in the 1970s and 1980s to the present day, professional organizations such as the American Bar Association, the Institute of Judicial Administration, the Office of Juvenile Justice and Delinquency Prevention, and the National Council of Juvenile and Family Court Judges developed a set of time standards for juvenile delinquency cases. These standards have

¹² Ibid, 14.

¹³ Ibid, 14.

¹⁴ U.S. Supreme Court, *Graham v. Florida* (2010), <http://www.supremecourt.gov/opinions/09pdf/08-7412.pdf>, (accessed August 13, 2010).

placed stricter recommendations on detained juveniles. The table below represents and displays those recommended time standards for delinquency cases.¹⁵

Table 1: Time Standards for Juvenile Delinquency Cases

DETAINED JUVENILES

	Maximum Time From Arrest to Detention Hearing	Maximum Days to Adjudication	Maximum Days From Adjudication to Disposition	Maximum Days From Referral to Disposition
IJA/ABA (1977-80)	48 Hours	15	15	30
OJJDP (1980)	24 Hours	18	15	33
ABA (1984)	24 Hours	15 ¹	15	30 ¹
NCJFCJ/OJJDP (2005)	24 Hours	10 ³	10	20

RELEASED JUVENILES

	Maximum Time From Arrest to Detention Hearing	Maximum Days to Adjudication	Maximum Days From Adjudication to Disposition	Maximum Days From Referral to Disposition
IJA/ABA (1977-80)	**	30	30	60
OJJDP (1980)	**	65	15	80
ABA (1984)	**	30 ²	15	45 ²
NCJFCJ/OJJDP (2005)	**	20 ³	20	40

IJA/ABA = Institute of Judicial Administration/American Bar Association
 OJJDP= Office of Juvenile Justice and Delinquency Prevention
 NCJFCJ - National Council of Juvenile and Family Court Judges

¹deadline triggered by detention admission

²deadline triggered by filing of petition

³deadline triggered by initial hearing

**Not applicable

¹⁵Karen Kringlie, *While a Child Waits: A Study of Case Delay in Two North Dakota Judicial Districts*, (2010), <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2010/While%20A%20Child%20Waits%20-%20Study%20of%20Case%20Delay.ashx>, (accessed June 2010).

The juvenile justice system is usually referred to as if only one exists; however, there are more than 3,100 counties, independent cities and parishes in the United States, each having their own unique juvenile justice system.¹⁶ It is difficult to implement performance standards in juvenile justice systems without comparing jurisdictions or trying to develop “national standards.” A “national system” of performance measures can never be fair, accurate or meaningful because juvenile justice is local and its responses to delinquent behavior are driven by local resources, demographics, criminal trends and social standards.¹⁷ In reference to the philosophy of Balanced and Restorative Justice (BARJ), which emphasizes community safety, offender accountability, and competency development, the attempts to identify national standards of success completely contradict this philosophy.¹⁸ It is imperative that a juvenile delinquency court take the team approach to ensure successful performance and caseflow management. Commitment from all persons within the internal and external organizations involved with the juvenile justice system is required to develop the strong leadership needed to implement necessary changes to processes and procedures.

Other studies have shown that although each jurisdiction has their own juvenile justice system, courts with known time standards and effective leadership can reduce case delay. The National Center for State Courts has provided fundamental management tools and time standards in their *CourTools: Trial Court Performance Measures*.¹⁹ NCSC: *CourTools Measure*

¹⁶ American Prosecutors Research Institute (APRI), *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System*, (Alexandria, VA), 4.

¹⁷ Ibid, 4.

¹⁸ Ibid, 7.

¹⁹ National Center for State Courts, *NCSC: CourTools: Measure Three*, (Williamsburg, VA, 2005).

Three, Time to Disposition (See Appendix C) would be the most appropriate measure to determine if time standards are being followed in juvenile delinquency cases.

Causes of Delay

Between 1992 and 1996, the Delays in Juvenile Justice Sanctions Project conducted at the National Center for Juvenile Justice (NCJJ) set the following goals: 1) to determine the extent of delays in the processing of delinquency cases, 2) to analyze the causes of delay and their effects on juveniles, and 3) to make recommendations to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) regarding the need for additional standards.²⁰ The lack of interest from policy makers, practitioners, and researchers in the timeliness of processing delinquency cases may come from an assumption that the juvenile justice system is more efficient than adult courts or there is a disregard for juvenile law within the legal profession. If one is comparing the volume and duration of cases in juvenile delinquency court to the adult court, the juvenile court process may seem less problematic.²¹ “However, delays in the juvenile justice system should be viewed from the perspective of an adolescent offender.”²²

The juvenile justice system and adult courts share many of the same reasons for case processing delays, including: seriousness of the offense, prior record of offender, custody status of offender, the court’s continuance policies, docket management systems, size of court

²⁰ Jeffrey A. Butts and Gregory J. Halemba, *Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process*, (Pittsburg, PA: National Center for Juvenile Justice, 1996), xiii.

²¹ *Ibid*, xiii.

²² Jeffrey A. Butts, Ph.D., *Delays in Juvenile Court Processing of Delinquency Cases*, (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention: March 1997), Fact Sheet #60.

caseloads, and a lack of adequate caseload information.²³ The juvenile court is unique in that it must consider the social and psychological development of juveniles, relationships, and unlike criminal courts, services are often provided directly to juveniles and their families.²⁴

“Understanding the causes of delay as well as the methods of reducing delay in delinquency case processing requires an understanding of the juvenile justice system. Research on juvenile court delay must consider the diverse goals of the juvenile justice system and account for the unique characteristics of the juvenile court environment.”²⁵

Researchers argue that court delay is uniquely resistant to intervention because it is viewed so differently by the most influential groups of court professionals. Court administrators seek order, rationality and predictability, while judges and attorneys place importance on the quality of the legal process rather than on efficiency. “Speed of case processing may be one of the more easily measured standards with which to evaluate the performance of the court system, but equating speed with effectiveness would be inappropriate. The task of court administration is not to eliminate all delays, but to control *unnecessary* delays.”²⁶

Since adolescents experience the passage of time differently than adults, the connection between the wrongdoing and the sanction fades for a juvenile as the time between the two increase.²⁷ Delays in responding to juvenile delinquent behavior lessen the impact of an intervention.

²³Butts and Halemba, xiv.

²⁴ Ibid, xiv.

²⁵ Ibid, xiv.

²⁶Ibid, 2-3.

²⁷ D. Alan Henry, *Pathways to Juvenile Detention Reform: Reducing Unnecessary Delay*, <http://www.aecf.org/upload/publicationfiles/reducing%20unnecessary%20delay.pdf>, (accessed July 2010), 11-12.

Reducing unnecessary delays in case processing is also important for non-detained youth because delays can significantly increase their chances (even first time offenders) to have subsequent involvement with the court. According to a study in 1982, it is believed that a court process which allows 90 days or more to bring cases to disposition is almost guaranteeing that up to a third of all juvenile offenders will not receive the necessary court attention, sanctions, interventions or treatment until after the second offense.²⁸

The Importance of Timeliness

“For all youth, adolescence can be a very difficult period of physical, intellectual, emotional, and social growth. For youth who do not have a safe and nurturing social environment, substantial development delays can result, particularly in the area of cognitive development, trust development, and feelings of security.”²⁹ If there is development delay, the juvenile might not be able to link the consequence to the offense causing the lesson to be lost and it would be less likely for change in the juvenile’s behavior. When juveniles fear uncertainty, not only can it cause further damage to their development, but it can also increase anxiety and result in additional delinquent behavior. If a nurturing, supportive and safe environment is provided, a child can develop the ability to think ahead and understand consequences. With such development, adolescents are less likely to engage in delinquent behavior.

²⁸ Gene Siegel and Gregg Halemba, *The Importance of Timely Case Processing in Non-Detained Juvenile Delinquency Cases*, (Pittsburg, PA: National Center for Juvenile Justice, July 2006).

²⁹NCJFCJ, 159.

There is research regarding the implications of adolescent brain development and juvenile justice. The existence of a juvenile court system proves the need for developmentally appropriate responses for youth. Yet, current laws often contradict their approach when addressing adolescents. One set of laws recognizes that youth are immature, impressionable and lacking in sound judgment which prohibits them from driving, drinking, voting, marrying or serving in the armed forces before a designated age, while simultaneously another set of laws defines maturity by the seriousness of one's mistakes, proposing that youth should serve the same punishment as adults since they are capable of committing the same crimes as adults.³⁰

“While brain development research should not excuse wrongdoing, ignore the legitimate need for rules and laws or free adolescents from discipline and responsibility, brain development research may provide greater understanding of how to most effectively interact with adolescents, especially when they have made serious mistakes.”³¹

Due to juveniles' development, timeliness is crucial in teaching youth offenders that there are consequences for their actions and that they will be held accountable for breaking the law. Youth must see the juvenile justice system as fair, so if punishment is administered too far after the infraction, the offender will not feel as if they were treated fairly. Juvenile justice cannot achieve its goals if the process is not timely.

³⁰ Coalition for Juvenile Justice, *What Are the Implications of Adolescent Brain Development for Juvenile Justice?*, (Washington, DC, 2006), http://www.criminaljusticecoalition.org/files/userfiles/juvenilejustice/reports/What_Are_the_Implications_of_Adolescent_Brain_Development_for_Juvenile_Justice.pdf, (accessed June 21, 2010), 2.

³¹Ibid, 16.

RESEARCH METHODS

The research design for this project included four steps: 1) a literature review on the inception and purpose of juvenile delinquency courts, performance measures and time standards, the causes of delay and the importance of timeliness in juvenile justice; 2) a statistical review of all disposed juvenile case types between January 1, 2008 and July 26, 2010 in the 417th DC; 3) interviews of the juvenile judge, juvenile referee, court staff, juvenile probation department staff, district attorney staff, district clerk staff and juvenile defense attorneys; and 4) a review of procedures for each department associated with the 417th DC.

Literature Review

As discussed in the literature review, juvenile justice has been a concern since the 1800s. Adolescent brain development research provides an understanding on the importance of appropriately interacting with juveniles. The existence of a juvenile court system proves the need for developmentally appropriate responses for youth. Controlling unnecessary delays and the timeliness of case processing while protecting the juvenile's due process rights is of the utmost importance in juvenile justice. This helps to teach youth offenders that there are consequences for their delinquent behavior and that the juvenile justice system is fair.

Statistical Review

Data for the statistical review was retrieved in two ways: it was taken from reports run from CASEWORKER, which is the case management system used by Collin County Juvenile Probation Department, and by manually reviewing each case file.

All reports were run for the time period January 1, 2008 – July 26, 2010, and included detention hearings, disposed cases on motions to modify, original petitions, and petitions for certifications and determinate sentences. In order to obtain an accurate measurement on time to disposition, it was important to measure data on all case types. Since each case type is individualized by its complexity, some cases are disposed of more quickly than others.

The disposition report was run on July 26, 2010, and consisted of 56 pages. Details from this report included: the disposition date, the intake officer, disposition outcome, and the charge.

Table2: Dispositions Report dated July 26, 2010

Mon 26-Jul-2010 01:38 pm

COLLIN COUNTY JUVENILE PROBATION
DISPOSITIONS 01/01/08 - 07/26/10

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DispDate	IntakeOff	Disp	OffnAtDisp
12/3/2008	BB	PROB	52030009
OffnAtDisp Description: PLACE WEAPONS PROHIBITED (F3)			
7/10/2009	KS	PROB	11990004
OffnAtDisp Description: AGG SEXUAL ASSAULT CHILD (F1)			
1/28/2010	KT	PROB	29990016
OffnAtDisp Description: CRIMINAL MISCHIEF >=\$50<\$500 (MB)			
1/20/2009	CT	PROB	23990067
OffnAtDisp Description: THEFT PROP>=\$50<\$500 (MB)			
6/15/2010	KP	PROB	35500016
OffnAtDisp Description: DEL DRUG PARAPHERNALIA ENH (M*)			
6/15/2010	BB	PROB	53119001
OffnAtDisp Description: DISORDERLY CONDUCT (MC)			

Information taken from the detention report was run on July 26, 2010, included the date juvenile was detained, the juveniles release date and the number of days the juvenile stayed in short term detention awaiting disposition of their case.

Table 3: Detention Report dated July 26, 2010

Mon 26-Jul-2010 03:46 pm

COLLIN COUNTY JUVENILE PROBATION
DETENTIONS 01/01/08 - 07/26/10

DetDate	RelDate	DetDays	
[REDACTED]	[REDACTED]	[REDACTED]	(11801)
9/16/2009	12/11/2009	87	
[REDACTED]	[REDACTED]	[REDACTED]	(14620)
2/11/2008	2/12/2008	2	
[REDACTED]	[REDACTED]	[REDACTED]	(17539)
8/4/2009	8/5/2009	2	
[REDACTED]	[REDACTED]	[REDACTED]	(17539)
12/17/2009	12/18/2009	2	
[REDACTED]	[REDACTED]	[REDACTED]	(17539)
1/29/2010	2/15/2010	18	
[REDACTED]	[REDACTED]	[REDACTED]	(14810)
1/3/2008	1/6/2008	4	
[REDACTED]	[REDACTED]	[REDACTED]	(16357)
1/28/2010	1/29/2010	2	
[REDACTED]	[REDACTED]	[REDACTED]	(16357)

The 19 page modifications report run on July 27, 2010, includes information only on those cases in which a motion to modify was filed and the juvenile was detained awaiting disposition. Information on this report is identical to that found on the disposition report.

Table 4: Modifications Report dated July 27, 2010

July 27, 2010 03:32 pm

COLLIN COUNTY JUVENILE PROBATION
MODIFICATIONS 01/01/08 - 07/26/10

Page 1 of 19

DispDate	IntakeOff	Disp	OffnAtDisp
[REDACTED]	[REDACTED]	[REDACTED]	(16114)
3/7/2009	JB	MODF	50129001
OffnAtDisp Description: VIOL OF JUVENILE COURT ORDER (PROBATION) (M*)			
[REDACTED]	[REDACTED]	[REDACTED]	(14277)
10/15/2008	BH	MODF	50129001
OffnAtDisp Description: VIOL OF JUVENILE COURT ORDER (PROBATION) (M*)			
[REDACTED]	[REDACTED]	[REDACTED]	(13345)
4/30/2009	KG	MODF	50129001
OffnAtDisp Description: VIOL OF JUVENILE COURT ORDER (PROBATION) (M*)			
[REDACTED]	[REDACTED]	[REDACTED]	(16337)
2/16/2010	BH	MODF	50129001
OffnAtDisp Description: VIOL OF JUVENILE COURT ORDER (PROBATION) (M*)			
[REDACTED]	[REDACTED]	[REDACTED]	(18094)
5/12/2010	CW	MODF	50129003
OffnAtDisp Description: VIOL OF COURT ORDER - TECHNICAL (M*)			
[REDACTED]	[REDACTED]	[REDACTED]	(16800)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The fourth report was run on July 30, 2010, and included only cases in which a petition for certification or petition for determinate sentence was filed. Again, these juveniles were detained awaiting disposition.

Table 5: Certifications/Determinate Sentence Report dated July 30, 2010

Fri 30-Jul-2010 10:34 am

COLLIN COUNTY JUVENILE PROBATION
CERT/DETM SENTENCE 01/01/08 - 07/26/10

Page 1 of 1

DispDate	IntakeOff	Disp	OffnAtDisp
8/18/2008	KS	DETM	13150005
OffnAtDisp Description: AGG ASSAULT W/DEADLY WEAPON (F2)			
3/4/2010	BB	ADLT	09990001
OffnAtDisp Description: MURDER INTENTIONALLY CAUSE DEATH (F1)			
3/13/2008	JP	DETM	50129001
OffnAtDisp Description: VIOL OF JUVENILE COURT ORDER (PROBATION) (M*)			
1/18/2008	JP	DETM	11990002
OffnAtDisp Description: SEXUAL ASSAULT CHILD (F2)			
5/11/2010	KP	ADLT	09990001
OffnAtDisp Description: MURDER INTENTIONALLY CAUSE DEATH (F1)			
4/15/2010	BB	ADLT	09990001
OffnAtDisp Description: MURDER INTENTIONALLY CAUSE DEATH (F1)			

The manual data was compiled by reviewing cases filed on those delinquent youth who were detained during the period between January 1, 2008 - July 26, 2010. Each case file was examined and the following information was collected: the date juvenile was detained; the date the petition was filed; and the date of disposition.

The results of this data allowed two measurements, thus giving NCSC: *CourTool Measurement Three* - Time to Disposition. Calculations were made to determine the number of days a juvenile was detained awaiting disposition and the number of days between the filing of a petition to disposition.

Interviews

To keep the focus of the project on the needs of Collin County, only those who work with the 417th DC, Collin County's juvenile court, were interviewed.

Due to constant conflicting schedules, interviews were conducted via email rather than in person. The interview consisted of five questions and was tested on two court staff. In October 2010, revised interview questions (see Appendix D) were emailed to the judge, judicial referee, court staff, probation department, juvenile detention staff, district attorney staff, district clerk staff, court officer, school resource officer and attorneys allocating a three week response time. There were a total of 12 participants and with 100 percent participation, all responses were returned in a timely manner.

Process/Procedural Review

Once all interviews were concluded, the processes and procedures for each department were analyzed. The objective of this assessment was to determine where the delay in juvenile case processing lies.

By defining the case processing timelines for each department, the causes of delay regarding cases that are filed on juveniles in short term detention were identified. Although not all delays can be remedied by the Court, having this knowledge allows for implementation of procedural changes where possible, and the ability to make procedural change suggestions to the appropriate departments. These changes will help to expedite dispositions in cases where the juvenile is being held in short term detention.

FINDINGS

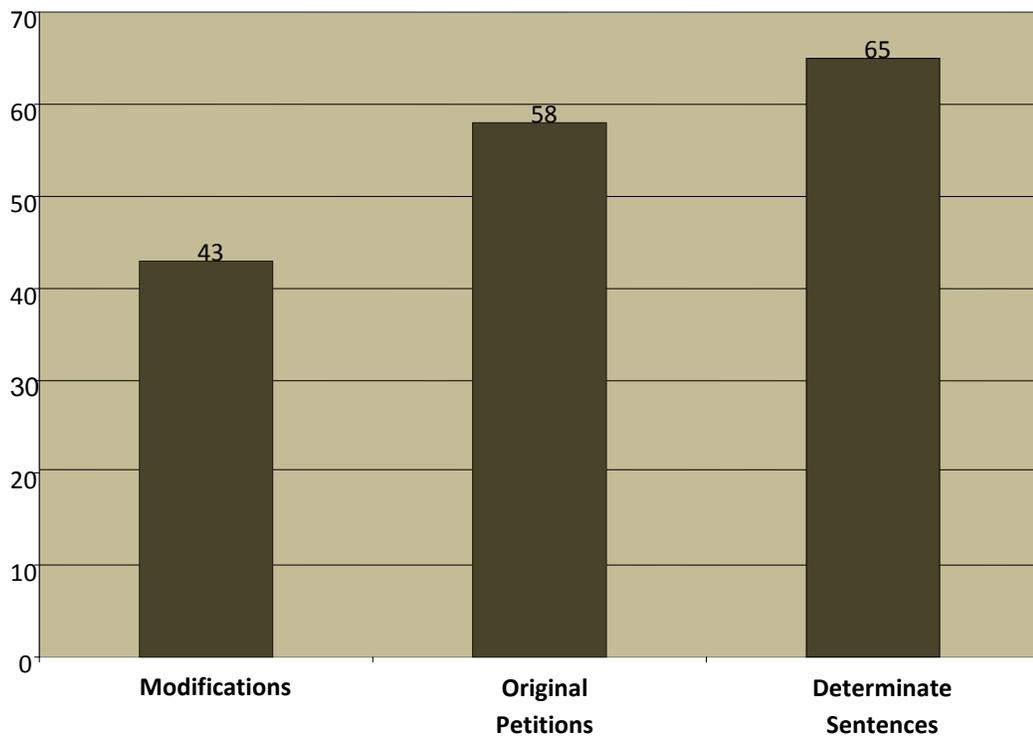
STATISTICAL REVIEW

To obtain an adequate amount of sample cases, the time frame used was broadened to a two and half year period, between January 1, 2008 - July 26, 2010. The target cases consisted of all disposed cases of detained juveniles during this time period.

The statistical information found that there were a total of 3,059 juveniles detained in Collin County Juvenile Detention Center between January 1, 2008 - July 26, 2010. Of this total, 192 juveniles or six percent were detained until their case was disposed.

Regarding *NCSC: CourTool Measure Three*, for these detained youth offenders, the average length of time from the date a petition was filed to the disposition date was 43 – 65 days as seen below:

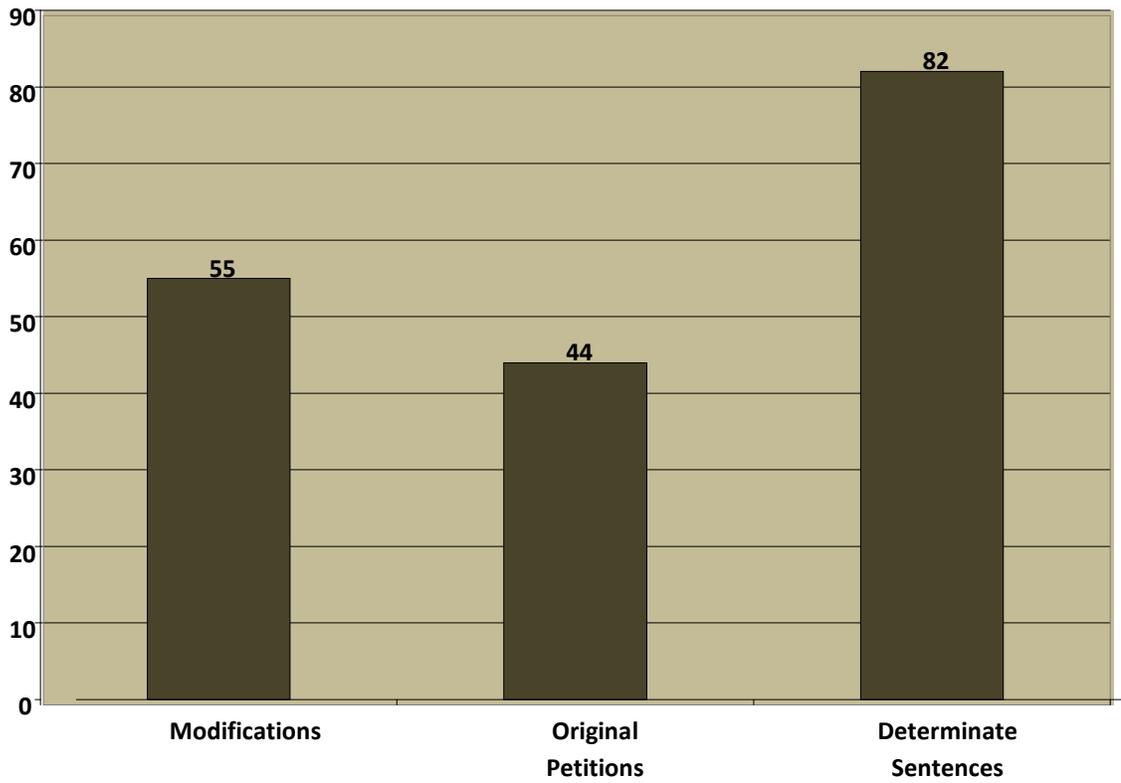
Table 6: Average Length of Time from Petition File Date to Disposition



*There were some instances in which a petition was filed prior to a juvenile being detained. These cases included those juveniles who were on deferred prosecution and violated their terms and conditions. Under these circumstances, the juvenile was then placed in detention and a formal disposition was entered.

For those delinquent youth who were detained until their case was disposed, the average number of days spent in detention was 44 – 82 days as seen in the graph below:

Table 7: Average Number of Days Juveniles Detained Awaiting Disposition



INTERVIEW FINDINGS

Question one of the interview asked their name, title and department. Those interviewed consisted of the judge, judicial referee, court staff, probation department, juvenile detention staff, district attorney staff, district clerk staff, court officer, school resource officer and attorneys.

Question two asked what their duties and responsibilities were. Due to the different positions held by each participant, all answers were different and varied in degree regarding their level of duties and responsibilities.

Question three asked their number of years of experience in juvenile justice. Of the twelve participants, there is a combined total of 160 years' experience in juvenile justice, which is evidence that Collin County is fortunate to have devoted employees to serve its youth and their families. The juvenile justice profession is truly a calling and is not for someone who just considers it a job by not placing the best interests of children first.

Explaining their department's procedures for filing and processing juvenile cases was question four. Again, since each participant worked in a different department, their answers varied greatly. The judge obviously has a much different role than the school resource officer.

Question five asked for suggestions regarding improvements that could be implemented to better serve the juveniles and their families of Collin County. Each individual interviewed expressed a different perspective on the reasons for delay in juvenile case processing. All participants agreed that streamlining and improving procedures would benefit delinquent

youth and their families and all were supportive of implementing necessary changes to expedite dispositions of juvenile delinquency cases.

Current Procedure for Juvenile Case Processing

Delinquent conduct cases are filed with the juvenile probation department in two ways: at large (youth not arrested) and formally (youth arrested and taken to detention).

At large cases require the referring agency to investigate the case prior to sending it to the juvenile probation department. Backlogs at the police departments can cause this process to take much longer than expected.

If the case is referred formally, the arresting officer generates a preliminary report for arrest to establish probable cause. The juvenile is taken to the juvenile processing office to complete a statement, as required by statute in the Texas Family Code, Sec. 52.025 (See Appendix E). The District Attorney then files a Motion for Detention with the District Clerk and a detention hearing is held within twenty-four hours and is scheduled by the Court. This guideline is also required by statute per the Texas Family Code, Sec. 54.01 (See Appendix F).

While the preliminary or probable cause for arrest report may be sufficient to detain the minor, the case cannot be officially filed with the District Attorney's Office until the assigned Juvenile Probation Officer receives the actual police report, which includes CJIS (Criminal Justice Information Services) forms and the fingerprint card. The time frame for receipt of the official police report varies from police agency to police agency. Depending on the severity of the

alleged delinquent conduct, the assigned probation officer may call the police officer conducting the investigation and request documentation to meet petition deadlines. This occurs if the probation department feels that the child needs to remain in detention until the case is resolved (e.g., youth alleged of sex offense and there is no suitable release plan). The intake officer or supervising probation officer will refer cases to the DA on any misdemeanor involving weapons, any state jail or above felony, and any class A or B misdemeanor with a previous unsuccessful deferred prosecution or direct filing of a petition.

Once the official report with CJIS forms is received, the case is forwarded to the DA for petition consideration. The assigned prosecutor reviews the case, decides to accept, refuse, return for more information, or offer deferred prosecution on the case. If the case is accepted, the prosecutor charges out the offense, a petition is drafted and filed with the district clerk's office. Service of the petition is attempted on the juvenile and their parents.

If the DA accepts the case and a petition is filed with the district clerk, the juvenile probation officer will then conduct a predisposition interview with the youth and his family to generate a report (PDR) for departmental recommendation and to assist the court in rendering disposition, if the conduct is found to be true as alleged in the state's petition. Once the report is complete, copies are provided to the DA's office, which then distributes a copy to the defense counsel and offers the original to the Judge at disposition.

Once the petition has been filed, the court file is sent to the Court for a first appearance setting and then returned to the district clerk for issuance and service. First appearances for detained juveniles are scheduled within five business days while all others are scheduled within

two weeks.

Currently, the juvenile and a parent are required to attend all settings, even those settings with no actual court business. Cases are passed by all parties signing a pass slip and all reset dates for hearings, pleas and trials are determined by the Court.

The first appearance setting is to determine if the parent has retained an attorney, as instructed, or if they will be requesting a court appointed attorney. Should they request a court appointed attorney, an affidavit of indigency is completed by the parent. The case is then passed for approximately two weeks for an appearance with an attorney or an announcement. While the appearance with attorney and announcement settings are intended for the juvenile prosecutor and the defense attorney to discuss the case, request discovery, and general case preparation etc., many times this is the first time the attorney has met their client. These settings are also to determine if a plea bargain would be offered, or if the case should be set for trial.

During this two week period, the affidavit of indigency is forwarded to Collin County's Indigency Defense Coordinator for review. The Court is then notified of eligibility or non-eligibility. If eligible, the Court appoints an attorney using the Texas Fair Defense Act (TFDA) guidelines. The court appointed attorney is notified of their appointment by fax and email. The parent is called and either given the contact information for the court appointed attorney or told that they must retain an attorney prior to the next setting.

At the announcement, the defense attorney will either schedule a plea or a trial. For a

plea, two weeks is allowed for unapprehended youth, and for detained youth the plea is set as soon as possible. Many factors are considered when scheduling a trial, such as the time needed for trial preparation, witness availability, placement issues or concerns, the need for DNA results to be returned, the time needed for completion of evaluations, and the Court, DA and defense attorney's availability. Even with all of the listed variables taken into consideration, the best interest of the child is always first and foremost.

Upon conclusion of the case, juvenile probation department processes the court paperwork, providing appropriate copies to youth, family, defense counsel and DA. The juvenile is then directed to contact their assigned probation officer who supervises the court ordered supervision, or is taken into custody for placement.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION ONE:

The current process for requesting a court appointed attorney delays the case disposition by at least two weeks, if not more.

Currently, when a parent makes their request for a court appointed attorney, the case is reset for two weeks to determine eligibility or non-eligibility. If the parent is not eligible, many times they appear on the reset date to only request additional time to retain an attorney. Not only does this process delay disposition by two weeks or more it also causes the parent and child to miss additional work and school.

Recommendation One:

Have requests for a court appointed attorney addressed at the probation intake level. The intake officer making the decision to send the case for petition review could cover this process by having the parent fill out the affidavit of indigency and include the form when sending the case over to the DA. If the DA's office decides to proceed with a petition, they could forward the affidavit on to the court when the petition is filed. If the DA chooses not to file a petition, the affidavit would be destroyed. This may potentially waste a single sheet of paper versus the day the child and parent loses by handling this process at court during the first appearance.

CONCLUSION TWO:

Requiring the juvenile and parent to appear at settings that are used for case preparation causes undue stress by having them missing additional days at work and school.

Many of the families seen in the 417th DC struggle financially and have transportation issues, and school is a challenge for many of the youth who come before the Court. Reducing the number of days missed both at school and work would reduce the amount of stress placed on the family.

Recommendation Two-A:

Require juvenile defense attorneys to meet with their client and to contact the probation department for their recommendation prior to the first appearance.

Recommendation Two-B:

Modify the court's process by allowing routine first and second passes to be handled by the attorneys only, rather than requiring the juvenile and parent to appear each time. All case preparation would be handled outside the court's time and only require the juvenile and family to attend for actual court business. This would reduce the time missed from work and school.

Recommendation Two –C:

Implement a weekly or bi-weekly scheduling conference for all pending cases for those youth who are detained in short term detention. Attendees would include the Court, the court officer, the assigned probation officer, the defense attorney, and the assigned juvenile prosecutor. This would ensure that cases are not dormant and that the necessary steps are being taken to dispose of the cases so that the child may be released or begin treatment.

CONCLUSION THREE:

Police are allowed to refer a case to the probation department, no matter how long it takes them to investigate and gather evidence.

No deadline has been implemented by the DA, so the referring agency feels no sense of urgency to file the appropriate reports. In a child's eyes, this can seem unfair and unjust. Children do not understand when they are punished months, sometimes up to a year later, for their misconduct.

Recommendation Three:

Coordinate a meeting with the DA's office and request that they establish a case filing deadline policy for when a case is referred by the arresting agency to the juvenile probation or it may result in cases that may not even be prosecuted. This deadline will then place the burden on the arresting agency rather than the District Attorney's Office.

CONCLUSION FOUR:

Collin County is still growing, yet the 417th DC is the only juvenile court. Often attorneys must wait a considerable amount of time for the prosecutor to give them the plea papers, if they are in the courtroom doing another plea, etc.

Waiting on a prosecutor to discuss the plea offer causes the defense attorney to fall behind on their schedule and sometimes requires resetting the case to another day. Having to reset a case due to voluminous caseloads is not in the best interest of the child.

Recommendation Four:

Streamline the plea process for greater efficiency. Discussing the case with the defense attorney and preparing the plea paperwork in advance would save time during docket. It would alleviate the additional stress that is placed on the prosecutors by having to be in the courtroom and knowing that there are multiple attorneys waiting to speak with them. Having the plea paperwork available for attorneys to “grab and go” would be more efficient.

CONCLUSION FIVE:

A substantial amount of calls are fielded by all departments associated with the juvenile court daily from parents with procedural questions.

Many parents and teens have never dealt with the juvenile court before and do not know what is expected of them. Although the Court has drafted a handout to give parents, it is not accessible unless you appear in Court.

Recommendation Five:

Increase public awareness on the operation of the Collin County Juvenile Justice System.

Creating an online website with pertinent information such as procedures, policies, expectations, Court Rules, how to apply for a court appointed attorney, etc., would reduce the number of phone calls received each day. Parents could also be provided with an informational packet at their first intake meeting with the juvenile probation department.

CONCLUSION SIX:

There are not enough resources available to the delinquent youth in Collin County.

Placement is almost always a concern for those who have mental health or substance abuse issues. Many times the length of stay for these juveniles in short term detention is prolonged due to the lack of resources. Not only are resources lacking for the teen, there is little support within the community to help parents in need. Many times services must be sought and received outside of Collin County.

Recommendation Six:

Develop a committee to seek community and stakeholder support to provide services for the county's delinquent youth. Some examples of the additional resources needed are mental health services, low cost substance abuse treatment, alternatives to detention, and transitional living programs for 17 year olds who have no guardians to help them get established in an adult independent living home. In addition to resources available for the delinquent youth, offering services to parents such as low cost counseling and parenting classes would be advantageous to the family as a whole.

This committee should consist of representatives from the court, the schools, defense bar association, the city council, the police agencies, and independent businesses within the community.

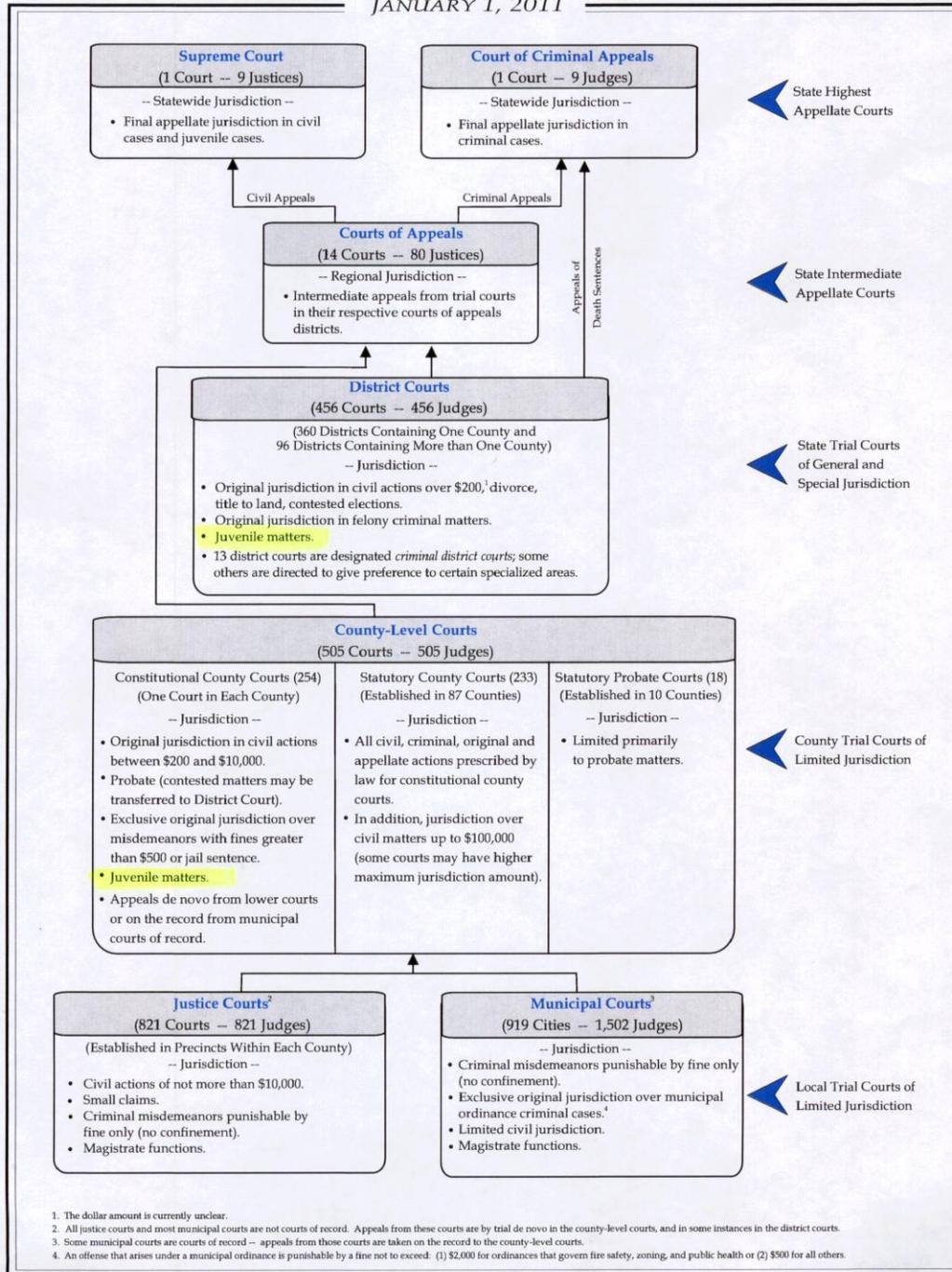
The committee would seek funding through grants and donated services from the community and providers. Developing a closer relationship with each school district, police departments and cities would benefit the youth and families of Collin County. The committee would be responsible to forge and nurture these relationships and to creatively develop and stretch resources for juveniles.

APPENDICES

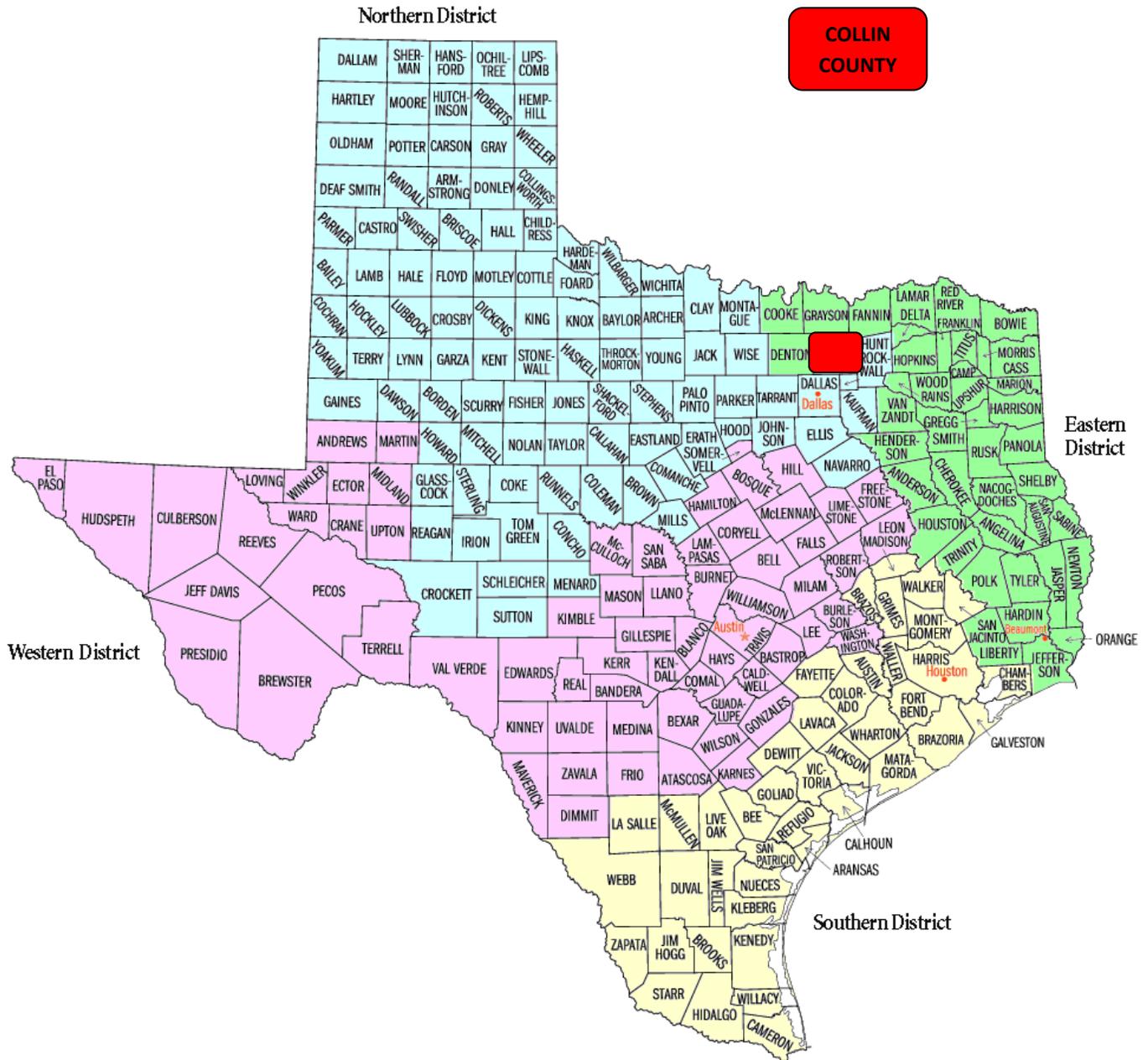
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COURT STRUCTURE OF TEXAS

JANUARY 1, 2011



APPENDIX B: Texas Map with Counties and Districts



CourTools

Trial Court Performance Measures

National Center for State Courts

Time to Disposition

Measure **3**



CourTools

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-466-3063

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copies and updates at
www.courttools.org

Definition: The percentage of cases disposed or otherwise resolved within established time frames.

Purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

COSCA Case Processing Standards

Civil

- Non-Jury Trial – 100% within 12 months
- Jury Trial – 100% within 18 months

Criminal

- Felony – 100% within 180 days
- Misdemeanor – 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- Uncontested – 100% within 3 months
- Contested – 100% within 6 months

ABA Case Processing Standards

Civil

- 90% within 12 months
- 98% within 18 months
- 100% within 24 months

Criminal

- Felony
 - 90% within 120 days
 - 98% within 180 days
 - 100% within 1 year
- Misdemeanor
 - 90% within 30 days
 - 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- 90% within 3 months
- 98% within 6 months
- 100% within 1 year

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.

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Method: This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting.

For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis. Sampling is an option in courts where case volumes are high.

Sampling

This measure should be calculated for all cases disposed or otherwise resolved during the reporting period. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300=10$).

Which Cases Are Included?

There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates for these cases will vary, but what qualifies them for inclusion is the fact that the disposition dates all fall within the reporting period (e.g., the calendar year).

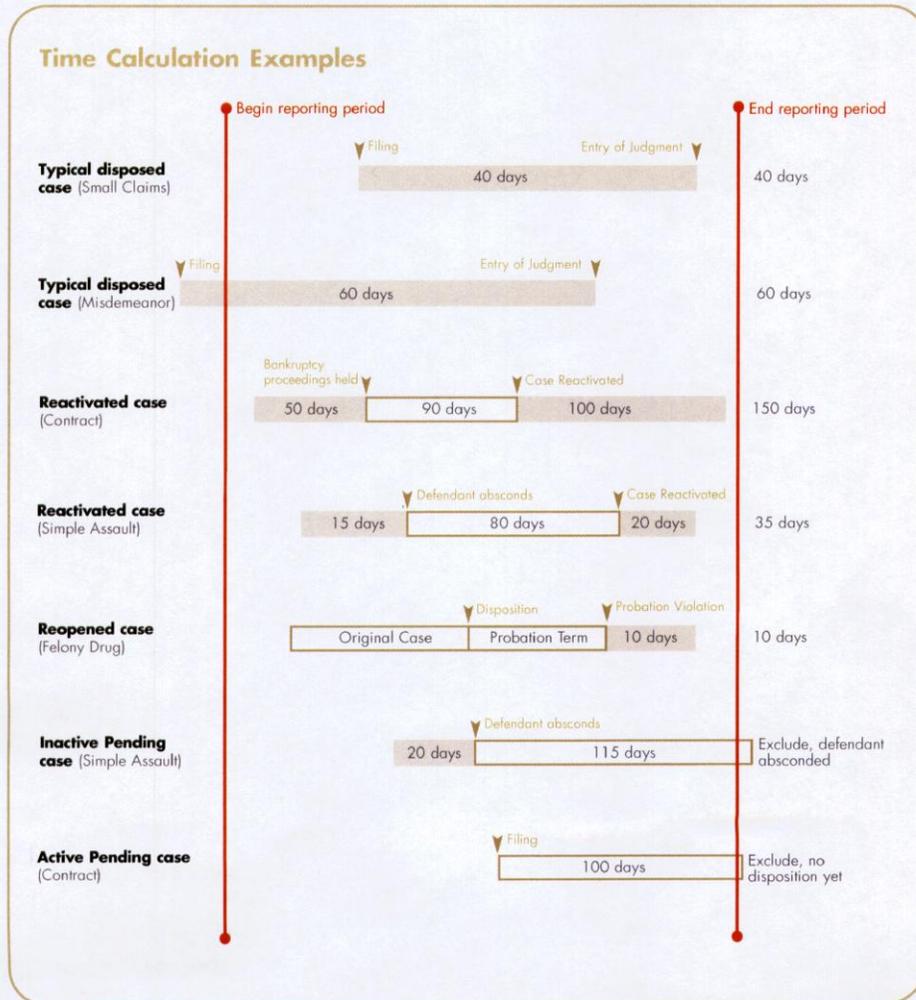
The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes and is disposed. Another example is a criminal case in which the defendant absconds after the case was filed. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case resumes and is disposed.

Cases in which judgment was previously entered but which have been *Reopened* due to a request to modify or enforce existing judgments are also included. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case. In juvenile cases, a case might be reopened due to violation of probation, or due to failure of parents to comply with a court order. When these *Reopened* cases are disposed during the reporting period, they should be included in this measure. In all these examples, the time that is counted starts when the case is reopened, not with the date of the original filing.



Cases that are in an official period of inactivity at the end of the reporting period should *not* be included in this measure. As this type of case is considered to be among the court's *Inactive Pending* cases at the end of the reporting period (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this), they should be excluded from the analysis. *Active Pending* cases are excluded from analysis, since no disposition has been reached.

Time Calculation Examples





Time to Disposition

Measure **3**

Analysis and Interpretation

Superior Court

Division	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
	Current	Goal	Current	Goal		
Criminal	70%	98%	97%	100%	170	121
Civil	82%	na	95%	90%	151	93
Domestic	90%	98%	92%	100%	158	105

This table summarizes time to disposition in one court across three case types. The court is almost meeting its 365-day standard in criminal cases, exceeding its 365-day standard in civil cases, and lagging behind in domestic cases. The court should examine criminal caseload management in the first 180 days, the period in which the court is furthest from its goal.

Time to Disposition in Felony Cases- 100% at 365-Day Time Standard



This court has adopted the ABA standard for felony cases. The court was steadily improving, and nearly met this goal in June, but in the months following, time to disposition increased. The court needs to examine what happened in July and October to determine the source of the periodic drops in performance.

Comparing Time to Disposition in Civil and Criminal Cases (using a 365-Day Time Standard)

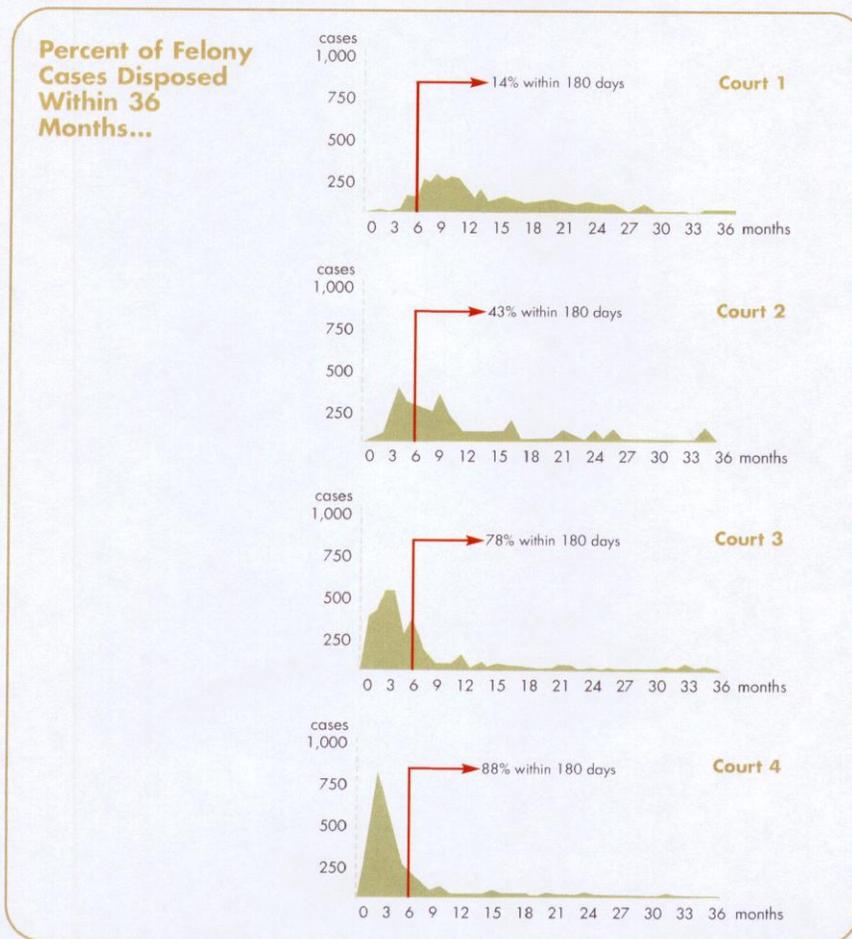


Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseload management improvements in June. Time to disposition for criminal cases did improve, but not without an increase in time to disposition for civil cases.



The graphics here show one way to display time to disposition data for felony cases in four courts. The data show that the vast majority of cases are resolved within six months in the two faster courts, compared to about eighteen months in the two slower courts. The profile of felony case time to disposition in different courts may vary due to the seriousness of the case mix, charging and pleading practices, and the manner of disposition. Of course, differences in time to disposition will also result from variation in court case management practices. Documenting differences in case processing time among courts is the first step in analyzing the reasons for those differences.

For all types of cases, time to disposition is a basic court management tool. Compiling data on the timing of key case events, consistent definition of terms, and distinguishing between active and inactive cases are basic ingredients to understanding and improving caseload management.



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Terms You Need to Know

Active Pending: A count of cases that, at the end of the reporting period, are awaiting disposition.

Entry of Judgment: A count of cases for which an original entry of judgment—the court’s final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

Mean: The average value of a set of numbers, equal to the sum of all values divided by the number of values.

Median: The middle value in a distribution of numbers. Half of the values will be above this point, half will be below.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days represent the 90th percentile of a court’s pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court’s active pending caseload.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every *n*th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3,000 \div 300 = 10$).

Reactivated: A count of cases that had previously been placed in an Inactive Pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court’s pending caseload due to the filing of a request to modify or enforce the existing judgment.

Reopened Disposition: A count of cases that were disposed of by a modification to and/or enforcement of the original judgment of the court.

Time Standards: An acknowledged measure of comparison, measured as the time (in days) it takes to process a case, from filing to disposition. A time standard is expressed in terms of the percentage of cases that should be resolved within a certain time frame (e.g., 98% within 180 days).



APPENDIX D: Interview Questions

INTERVIEW QUESTIONS

- 1) Name, Title and Department:

- 2) What are your duties and responsibilities?

- 3) Number of years of experience in juvenile justice?

- 4) What are your department's procedures for filing and processing juvenile cases?

- 5) What improvements do you think can be implemented to better serve the juveniles and their families of our County?

APPENDIX E: Texas Family Code, Section 52.025

FAMILY CODE

CHAPTER 52. PROCEEDINGS BEFORE AND INCLUDING REFERRAL TO JUVENILE COURT

§ 52.025. DESIGNATION OF JUVENILE PROCESSING OFFICE.

- (a) The juvenile board may designate an office or a room, which may be located in a police facility or sheriff's offices, as the juvenile processing office for the temporary detention of a child taken into custody under Section 52.01. The office may not be a cell or holding facility used for detentions other than detentions under this section. The juvenile board by written order may prescribe the conditions of the designation and limit the activities that may occur in the office during the temporary detention.
- (b) A child may be detained in a juvenile processing office only for:
 - (1) the return of the child to the custody of a person under Section 52.02(a)(1);
 - (2) the completion of essential forms and records required by the juvenile court or this title;
 - (3) the photographing and fingerprinting of the child if otherwise authorized at the time of temporary detention by this title;
 - (4) the issuance of warnings to the child as required or permitted by this title; or
 - (5) the receipt of a statement by the child under Section 51.095(a)(1), (2), (3), or (5).
- (c) A child may not be left unattended in a juvenile processing office and is entitled to be accompanied by the child's parent, guardian, or other custodian or by the child's attorney.
- (d) A child may not be detained in a juvenile processing office for longer than six hours.

Added by Acts 1991, 72nd Leg., ch. 495, § 2, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 1086, § 48, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1297, § 13, eff. Sept. 1, 2001.

APPENDIX F: Texas Family Code, Section 54.01

FAMILY CODE

TITLE 3. JUVENILE JUSTICE CODE

CHAPTER 54. JUDICIAL PROCEEDINGS

Sec. 54.01. DETENTION HEARING. (a) Except as provided by Subsection (p), if the child is not released under Section 53.02, a detention hearing without a jury shall be held promptly, but not later than the second working day after the child is taken into custody; provided, however, that when a child is detained on a Friday or Saturday, then such detention hearing shall be held on the first working day after the child is taken into custody.

(b) Reasonable notice of the detention hearing, either oral or written, shall be given, stating the time, place, and purpose of the hearing. Notice shall be given to the child and, if they can be found, to his parents, guardian, or custodian. Prior to the commencement of the hearing, the court shall inform the parties of the child's right to counsel and to appointed counsel if they are indigent and of the child's right to remain silent with respect to any allegations of delinquent conduct, conduct indicating a need for supervision, or conduct that violates an order of probation imposed by a juvenile court.

(c) At the detention hearing, the court may consider written reports from probation officers, professional court employees, or professional consultants in addition to the testimony of witnesses. Prior to the detention hearing, the court shall provide the attorney for the child with access to all written matter to be considered by the court in making the detention decision. The court may order counsel not to reveal items to the child or his parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

(d) A detention hearing may be held without the presence of the child's parents if the court has been unable to locate them. If no parent or guardian is present, the court shall appoint counsel or a guardian ad litem for the child.

(e) At the conclusion of the hearing, the court shall order the child released from detention unless it finds that:

- (1) he is likely to abscond or be removed from the jurisdiction of the court;
- (2) suitable supervision, care, or protection for him is not being provided by a parent, guardian, custodian, or other person;
- (3) he has no parent, guardian, custodian, or other person able to return him to the court when required;
- (4) he may be dangerous to himself or may threaten the safety of the public if

released; or

(5) he has previously been found to be a delinquent child or has previously been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released.

(f) Unless otherwise agreed in the memorandum of understanding under Section 37.011, Education Code, a release may be conditioned on requirements reasonably necessary to insure the child's appearance at later proceedings, but the conditions of the release must be in writing and a copy furnished to the child. In a county with a population greater than 125,000, if a child being released under this section is expelled under Section 37.007, Education Code, the release shall be conditioned on the child's attending a juvenile justice alternative education program pending a deferred prosecution or formal court disposition of the child's case.

(g) No statement made by the child at the detention hearing shall be admissible against the child at any other hearing.

(h) A detention order extends to the conclusion of the disposition hearing, if there is one, but in no event for more than 10 working days. Further detention orders may be made following subsequent detention hearings. The initial detention hearing may not be waived but subsequent detention hearings may be waived in accordance with the requirements of Section 51.09. Each subsequent detention order shall extend for no more than 10 working days, except that in a county that does not have a certified juvenile detention facility, as described by Section 51.12(a)(3), each subsequent detention order shall extend for no more than 15 working days.

(i) A child in custody may be detained for as long as 10 days without the hearing described in Subsection (a) of this section if:

(1) a written request for shelter in detention facilities pending arrangement of transportation to his place of residence in another state or country or another county of this state is voluntarily executed by the child not later than the next working day after he was taken into custody;

(2) the request for shelter contains:

(A) a statement by the child that he voluntarily agrees to submit himself to custody and detention for a period of not longer than 10 days without a detention hearing;

(B) an allegation by the person detaining the child that the child has left his place of residence in another state or country or another county of this state, that he is in need of shelter, and that an effort is being made to arrange transportation to his place of residence; and

(C) a statement by the person detaining the child that he has advised the child of his right to demand a detention hearing under Subsection (a) of this

section; and

(3) the request is signed by the juvenile court judge to evidence his knowledge of the fact that the child is being held in detention.

(j) The request for shelter may be revoked by the child at any time, and on such revocation, if further detention is necessary, a detention hearing shall be held not later than the next working day in accordance with Subsections (a) through (g) of this section.

(k) Notwithstanding anything in this title to the contrary, the child may sign a request for shelter without the concurrence of an adult specified in Section 51.09 of this code.

(l) The juvenile board may appoint a referee to conduct the detention hearing. The referee shall be an attorney licensed to practice law in this state. Such payment or additional payment as may be warranted for referee services shall be provided from county funds. Before commencing the detention hearing, the referee shall inform the parties who have appeared that they are entitled to have the hearing before the juvenile court judge or a substitute judge authorized by Section 51.04(f). If a party objects to the referee conducting the detention hearing, an authorized judge shall conduct the hearing within 24 hours. At the conclusion of the hearing, the referee shall transmit written findings and recommendations to the juvenile court judge or substitute judge. The juvenile court judge or substitute judge shall adopt, modify, or reject the referee's recommendations not later than the next working day after the day that the judge receives the recommendations. Failure to act within that time results in release of the child by operation of law. A recommendation that the child be released operates to secure the child's immediate release, subject to the power of the juvenile court judge or substitute judge to reject or modify that recommendation. The effect of an order detaining a child shall be computed from the time of the hearing before the referee.

(m) The detention hearing required in this section may be held in the county of the designated place of detention where the child is being held even though the designated place of detention is outside the county of residence of the child or the county in which the alleged delinquent conduct, conduct indicating a need for supervision, or probation violation occurred.

(n) An attorney appointed by the court under Section 51.10(c) because a determination was made under this section to detain a child who was not represented by an attorney may request on behalf of the child and is entitled to a de novo detention hearing under this section. The attorney must make the request not later than the 10th working day after the date the attorney is appointed. The hearing must take place not later than the second working day after the date the attorney filed a formal request with the court for a hearing.

(o) The court or referee shall find whether there is probable cause to believe that a child taken into custody without an arrest warrant or a directive to apprehend has engaged in delinquent conduct, conduct indicating a need for supervision, or conduct that violates an order of probation imposed by a juvenile court. The court or referee must make the finding within 48 hours, including weekends and

holidays, of the time the child was taken into custody. The court or referee may make the finding on any reasonably reliable information without regard to admissibility of that information under the Texas Rules of Evidence. A finding of probable cause is required to detain a child after the 48th hour after the time the child was taken into custody. If a court or referee finds probable cause, additional findings of probable cause are not required in the same cause to authorize further detention.

(p) If a child is detained in a county jail or other facility as provided by Section 51.12(l) and the child is not released under Section 53.02(f), a detention hearing without a jury shall be held promptly, but not later than the 24th hour, excluding weekends and holidays, after the time the child is taken into custody.

(q) If a child has not been released under Section 53.02 or this section and a petition has not been filed under Section 53.04 or 54.05 concerning the child, the court shall order the child released from detention not later than:

- (1) the 30th working day after the date the initial detention hearing is held, if the child is alleged to have engaged in conduct constituting a capital felony, an aggravated controlled substance felony, or a felony of the first degree; or
- (2) the 15th working day after the date the initial detention hearing is held, if the child is alleged to have engaged in conduct constituting an offense other than an offense listed in Subdivision (1) or conduct that violates an order of probation imposed by a juvenile court.

(q-1) The juvenile board may impose an earlier deadline than the specified deadlines for filing petitions under Subsection (q) and may specify the consequences of not filing a petition by the deadline the juvenile board has established. The juvenile board may authorize but not require the juvenile court to release a respondent from detention for failure of the prosecutor to file a petition by the juvenile board's deadline.

(r) On the conditional release of a child from detention by judicial order under Subsection (f), the court, referee, or detention magistrate may order that the child's parent, guardian, or custodian present in court at the detention hearing engage in acts or omissions specified by the court, referee, or detention magistrate that will assist the child in complying with the conditions of release. The order must be in writing and a copy furnished to the parent, guardian, or custodian. An order entered under this subsection may be enforced as provided by Chapter 61.

Acts 1973, 63rd Leg., p. 1460, ch. 544, Sec. 1, eff. Sept. 1, 1973. Amended by Acts 1975, 64th Leg., p. 2156, ch. 693, Sec. 14, 15, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1102, ch. 518, Sec. 2, eff. June 11, 1979; Acts 1995, 74th Leg., ch. 262, Sec. 31, eff. Jan. 1, 1996; Acts 1997, 75th Leg., ch. 922, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1015, Sec. 18, eff. June 19, 1997; Acts 1997, 75th Leg., ch. 1086, Sec. 9, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 232, Sec. 4, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1477, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1297, Sec. 20, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(30), eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 283, Sec. 14, eff. Sept. 1, 2003. Amended by: Acts 2005, 79th Leg., Ch. [949](#), Sec. 12, eff. September 1, 2005.

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