

88th Texas Legislative Update



Texas Judicial Commission on Mental Health Legislative Summary of S.B. 1585

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Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.

S.B. 1585 is a package that rewrote, reorganized, and updated Chapter 55 of the Texas Family Code, which governs proceedings in juvenile court for children with mental illness and intellectual disabilities.

The bill substituted “intellectual disability” for the harmful and outdated term “mental retardation” throughout Chapter 55.

Subchapter A of Chapter 55 was updated to provide definitions for the terms used in Chapter 55, including “forensic mental evaluation” and the criteria for the experts who conduct these evaluations. It also incorporated the criteria for court-ordered treatment services from the Texas Health and Safety Code directly into the Family Code.

Subchapter B was amended to address court-ordered inpatient and outpatient treatment services for juveniles with mental illness, in addition to strengthening the value of court-ordered forensic mental evaluations and expanding judges’ discretion in transferring juvenile cases to adult criminal court.

Subchapter C was updated to include what an expert evaluator must consider when determining whether a juvenile with mental illness or an intellectual disability is fit to proceed, clarifies the criteria for court-ordered inpatient and outpatient fitness restoration services, expands judges’ discretion in transferring juvenile cases to adult criminal court, allows judges to order services for youth who are unfit to proceed but do not meet the criteria for court-ordered services, and authorizes juvenile probation departments to provide restoration classes.

Subchapter D was amended to include what an expert evaluator must consider when determining whether a juvenile with mental illness or an intellectual disability lacked responsibility for their conduct at the time of the offense, clarifies the criteria for court-ordered

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inpatient and outpatient treatment services, expands judges' discretion in transferring juvenile cases to adult criminal court, and allows judges to order services for youth who are found to lack responsibility but do not meet the criteria for court-ordered services.

Subchapter E was created to combine existing language about court-ordered mental health or residential intellectual disability services from Chapter 55 and the Texas Health and Safety Code, as well as addressing the detention status of juveniles who are being held in juvenile detention facilities while waiting for transport to an appropriate facility or service provider.