

# APPENDIX

## E

### Analysis of Juvenile Court Survey

**RESULTS OF THE STUDY  
ON JUVENILE CASE PROCESSING**

**Office of Court Administration**

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## EXECUTIVE SUMMARY

In February and March 1998, the Office of Court Administration (OCA) conducted a statewide survey of juvenile probation departments to analyze the efficiency of processing juvenile cases in Texas. In May 1998, in an effort to supplement those survey results, OCA conducted a short fax survey of the 50 most populous counties. The surveys, in addition to administrative data collected on a monthly basis by OCA, are intended to assist the Senate Interim Committee on Gangs & Juvenile Justice in addressing the following charge:

*Study the need, if any, for additional juvenile court masters to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims.*

The following are key findings from the study on juvenile case processing efficiency:

### *Variation in Case Disposition Rates*

- While the statewide **juvenile case clearance rate** is 94 percent, clearance rates for the 25 most populous counties range from 64 percent to 118 percent.<sup>1</sup>
- Similarly, a great deal of variation was also found in the **juvenile case disposition rates**. The statewide juvenile case disposition rate is 68 percent, while disposition rates for the 25 most populous counties range from 37 percent to 95 percent.<sup>2</sup>

### *Factors That May Affect the Disposition of Juvenile Cases*

When the chief juvenile probation officers of the 50 most populous counties in Texas were asked which factors impacted on how efficiently juvenile cases were processed in their county, the five most frequently cited factors were:<sup>3</sup>

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<sup>1</sup>**Clearance Rate:** the number of cases disposed in FY 1997 as a percentage of the number of new cases added to the docket in FY 1997. 100% clearance rate indicates that as many cases were disposed as were *added* to the docket in a fiscal year.

<sup>2</sup>**Disposition Rate:** the number of cases disposed in FY 1997 as a percentage of the total number of cases (pending and newly filed cases) on the docket in FY 1997. This rate takes into account a court's backlog (i.e., pending cases at the beginning of FY 1997) as well as newly filed cases. 100% disposition rate indicates that as many cases were disposed as *existed* on the docket in a fiscal year.

<sup>3</sup>N represents the total number of times a particular response was recorded by survey respondents. Since one respondent could record more than one response under a broad category such as "Issues related to cooperation and effectiveness between the various entities involved in the juvenile justice system," N does not necessarily represent the

- 1) Cooperation and effective communications between the various entities involved in the juvenile justice system (e.g., courts, juvenile probation department, law enforcement, prosecutor, schools). (N=38)
- 2) Delays emanating from the district or county attorney's office including: a) delays in filing petitions and motions to modify dispositions/lack of prosecutorial or receptiveness in filing and trying juvenile cases; b) turnaround time of cases being reviewed by the district attorney for juvenile probation; d) inability/delays in establishing probable cause; and e) timely prosecution of cases by the district attorney. (N=14)
- 3) Availability of court time for juvenile cases including: a) dedicated dockets for juvenile cases; b) timely docket settings for juvenile cases; c) inadequate number of judges to hear juvenile cases; and d) the need for full-time juvenile judges. (N=13)
- 4) Expedient investigations by law enforcement agencies and timely filing of case reports with the juvenile probation department. (N=9)
- 5) The avoidance of unnecessary delays, resets, and continuances by judges and attorneys. (N=8)

***Resources Needed for Improvement of Juvenile Case Disposition Rates***

When the chief juvenile probation officers of the 50 most populous counties in Texas were asked which resources would improve the disposition of cases in their county, the five most frequently noted resources were:

- 1) Additional juvenile judges, associate judges, referees, and/or masters to adjudicate juvenile cases. (44% of responding counties)
- 2) Additional prosecutors to handle juvenile cases. (37% of responding counties)
- 3) An additional juvenile court. (15% of responding counties)
- 4) Additional staff and resources for prosecutor, associate judges, etc. (12% of responding counties)

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number of counties. For example, a county could have indicated that "cooperation between the district attorney and the courts," and "cooperation between juvenile probation and the courts" are both relevant factors.

- 5) Additional juvenile probation officers and staff. (12% of responding counties)

***Prevalence of Juvenile Court Masters, Referees, and Associate Judges***

- A total of 15 counties reported that they employ juvenile court masters, referees, or associate judges to assist with the adjudication of cases involving minors. In total, eight masters, 17 referees, and three associate judges are currently assisting the juvenile courts with the disposition of juvenile cases. Two counties (Harris and Bexar) employ both masters and referees, one county (Dallas) employs only masters, 10 counties (El Paso, Travis, Nueces, Cameron, Fort Bend, Galveston, Bell, Webb, Brazos, and Bowie) employ referees only, and two counties (Tarrant and Lubbock) employ associate judges only.
- When asked what percentage of cases are heard by the master, referee, or associate judge as opposed to the judge, there was significant variation in case distributions (in terms of percentage of cases and complexity of cases) between district courts in different counties and between the various district courts within a single county.

***Informal Disposition of Juvenile Cases***

- Approximately 10 percent of the responding counties indicated that the county juvenile board has approved guidelines that allow law enforcement officers to informally dispose of cases without having the case formally adjudicated in juvenile court.
- These law enforcement guidelines, which are prepared in accordance with Sections 52.01 and 52.03, Texas Family Code, are more commonly approved by the juvenile boards operating in the larger counties in the state. Six of the most populous 25 counties (Tarrant, Nueces, Denton, Collin, Brazoria, and Montgomery) indicated that their county juvenile board had approved guidelines for law enforcement officers to informally dispose of certain types of cases.
- Forty-seven percent of the counties responding to the survey indicated that there was an emphasis placed on the informal disposition of cases in their county, with the remaining 53 percent noting that there was not an emphasis placed on informal disposition.
- Ninety-nine percent of the responding counties noted deferred prosecution was used, 73 percent indicated that the STAR Program was used, and 53 percent were using the First Offender Program to informally dispose of juvenile cases. Other methods of informal disposition used around the state include the following: Supervisory Caution/Counsel and Release; Neighborhood/County Committees; Teen Court; and early intervention programs.

- When asked how aggressively juvenile probation violations are pursued, 41 percent indicated that they are pursued “extremely aggressively,” and 54 percent noted that probation violations were pursued “somewhat aggressively.” Only 5 percent of the responding counties indicated that juvenile probation violations were not pursued aggressively.

### *Automated Case Processing Systems*

- Just over a quarter of the responding counties (26%) indicated that their courts used an automated case management system to assist with the processing of juvenile cases. The most commonly mentioned program (by 38% of the respondents) was the same program used by most of the juvenile probation departments, Caseworker IV, provided by the Texas Juvenile Probation Commission (TJPC). Other systems used by the courts include software developed in-house (10%), software developed by Net Data (8%), software developed by the Software Group (8%), and other privately designed systems.
- The overwhelming majority (84%) of the responding counties indicated that an automated case management software program is used by the juvenile probation department to assist with the processing of cases. Ninety-five percent of the counties indicating that they had an automated system for the juvenile probation department noted that the TJPC’s Caseworker IV program was currently in place.



## **RESULTS OF THE STUDY ON JUVENILE CASE PROCESSING**

### **SECTION I: INTRODUCTION**

#### **Background**

In February and March 1998, the Office of Court Administration (OCA) conducted a statewide survey of juvenile probation departments to analyze the efficiency of processing juvenile cases in Texas. In May 1998, in an effort to supplement those survey results, OCA conducted a short fax survey of the 50 most populous counties. The surveys, in addition to administrative data collected on a monthly basis by OCA, are intended to assist the Senate Interim Committee on Gangs & Juvenile Justice in addressing its charge:

*Study the need, if any, for additional juvenile court masters to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims.*

While the number of new criminal cases filed in the district courts has increased only 14 percent between 1988 and 1997, the number of newly filed juvenile cases has nearly tripled. In 1988, 16,000 new juvenile cases were added to the district and county-level court dockets. By 1997, nearly 44,000 new juvenile cases were filed in the district or county-level courts. This represents an increase of 175 percent in newly filed juvenile cases.<sup>4</sup>

This study intends to provide baseline information on juvenile caseloads and case processing efficiency among the 25 most populous counties, and the use of juvenile court masters, referees, and associate judges in Texas.<sup>5</sup> The study also provides information on the factors that affect the efficiency of juvenile case processing in the various counties in Texas, and resources which could assist counties in processing juvenile cases more efficiently. These factors and resources were obtained through a fax survey of the juvenile probation departments in the 50 most populous Texas counties.<sup>6</sup>

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<sup>4</sup>See *Texas Judicial System, Annual Report: Fiscal Year 1997*, Office of Court Administration, 1998.

<sup>5</sup>For statutory references, see the following: Sections 51.04 and 54.01, Texas Family Code (authorizing the juvenile board to appoint a referee for Title 3 hearings, including detention, adjudication, disposition, and modification hearings); and Chapter 54, Texas Government Code (statutes that establish juvenile law masters and referees in specific counties). For a detailed discussion of those provisions, see Chapter 2, Texas Juvenile Law: An Analysis of Juvenile Statutory and Case Law for Texas Juvenile Justice Officials (Dawson, Texas Juvenile Probation Commission).

<sup>6</sup>The chief juvenile probation officer was encouraged to discuss the survey questions with any relevant authorities who are involved in the prosecution, adjudication, or disposition of juvenile cases, including law enforcement officials, juvenile court judges, masters, referees, and prosecuting attorneys.

## **Methodology**

### ***Statewide Mail Survey***

On February 24, 1998, surveys were mailed to a total of 162 chief juvenile probation officers who serve the 254 counties in Texas.<sup>7</sup> A total of 108 surveys were returned, representing 159 counties. This corresponds to a survey response rate of 67 percent and a county-level response rate of 63 percent.<sup>8</sup>

The 40 most populous counties responded to the survey; and those counties account for the vast majority of juvenile cases in Texas. Likewise, these large counties are most likely to employ masters, referees, and associate judges to assist with the growing juvenile case dockets.

Please refer to Appendix A for the survey instrument used in the statewide mail survey.

### ***Fax Survey to 50 Most Populous Counties***

On May 6, 1998, a second survey was faxed to the chief juvenile probation officers in the 50 most populous counties to determine what, in their opinion, were the primary contributors to juvenile case processing efficiency, and which resources (if any) would improve the disposition of juvenile cases in their counties. Of the 50 juvenile probation departments surveyed, 41 returned completed questionnaires, reflecting an 82 percent response rate.

Please refer to Appendix B for the survey instrument used in the fax survey of the 50 most populous counties in Texas.

### ***Administrative Data Collected by OCA***

Other data used in this report that relates to juvenile caseloads, case backlogs, case disposition rates, and case clearance rates is derived from monthly reports submitted to OCA by the district and county clerks, and published in *Texas Judicial System, Annual Report: Fiscal Year 1997* (Office of Court Administration, 1998).

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<sup>7</sup>The total number of surveys is less than 254 because some of the less populous counties share a juvenile probation department that serves a judicial district. For example, the 110<sup>th</sup> Judicial District, which consists of Briscoe, Dickens, Floyd and Motley counties, is served by one juvenile probation department.

<sup>8</sup>As is the case with any survey, despite the excellent response rate observed here, non-response bias may exist. That is, the respondents who completed the survey may not be completely representative of the entire population of potential respondents.

## Organization of the Report

This report is organized into five main sections.

Following the introduction, Section II provides Fiscal Year 1997 (FY 1997) juvenile case processing data for the 25 most populous counties in Texas.<sup>9</sup> The data includes information on case backlogs, new cases added to the docket during FY 1997, total cases on docket in FY 1997, total cases disposed in FY 1997, and the juvenile case disposition and clearance rates for FY 1997.

Section III explores the following areas: 1) the use of juvenile court masters, referees, and associate judges to assist with the adjudication of juvenile cases; and 2) the specific duties of juvenile court masters, referees, and associate judges (e.g., what types of cases they are hearing in terms of subject matter and complexity; who determines which cases are assigned to juvenile court masters, referees, or associate judges).

Section IV summarizes the information collected from the statewide mail survey of juvenile probation departments. Topics addressed in this section include: 1) the process for assigning cases to the courts; 2) guidelines for informal disposition of cases by law enforcement officers; 3) the degree of emphasis placed on informal disposition of juvenile cases; 4) the role of probation enforcement in the processing of juvenile cases; 5) the use of and satisfaction with automated case management software to assist the courts with juvenile case processing; 6) the use of and satisfaction with automated case management software to assist the juvenile probation departments with juvenile case processing.

Section V provides descriptive information from the fax survey of the 50 most populous counties in Texas. This section presents information on what factors, from the chief juvenile probation officers' perspective, have an impact on how efficiently juvenile cases are disposed, and what resources (if any) are currently needed to improve juvenile case disposition rates.

Appendix A is the survey instrument used in the statewide mail survey on juvenile case processing.

Appendix B is the survey instrument used in the fax survey of the 50 most populous counties in Texas.

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<sup>9</sup>Population rankings were based on 1990 U.S. Census data.

## SECTION II: ANALYSIS OF 25 MOST POPULOUS COUNTIES IN TEXAS

This section focuses on data collected from the 25 most populous counties in Texas which account for the lion's share (80%) of newly filed juvenile cases in Texas. This section relies upon statistical data related to the processing of juvenile cases that is reported to OCA on a monthly basis.

### Juvenile Case Clearance and Disposition Rates in the 25 Most Populous Counties

*Clearance Rate:* the number of cases disposed in FY 1997 as a percentage of the number of new cases added to the docket in FY 1997. 100% clearance rate indicates that as many cases were disposed as were *added* to the docket in a fiscal year.

*Disposition Rate:* the number of cases disposed in FY 1997 as a percentage of the total number of cases (pending and newly filed cases) on the docket in FY 1997. This rate takes into account a court's backlog (i.e., pending cases at the beginning of FY 1997) as well as newly filed cases. 100% disposition rate indicates that as many cases were disposed as *existed* on the docket in a fiscal year.

Significant disparities in juvenile case clearance and disposition rates were found among the largest counties. Juvenile case clearance rates ranged from 64 percent to 118 percent, with the statewide average of 94 percent. Of the 25 most populous counties, the highest clearance rates were found in Lubbock (118%), Tarrant (113%), Collin (113%), and Cameron (112%) counties. Likewise, the counties with the lowest clearance rates were Galveston (64%), Webb (70%), Smith (71%) and Wichita (75%).

Juvenile case disposition rates range from 37 percent to 95 percent, with the statewide average of 68 percent. Of the 25 most populous counties, the highest disposition rates were observed in El Paso (95%), Tarrant (92%), Nueces (92%), and Jefferson (88%) counties. Likewise, the lowest disposition rates were observed in Wichita (37%), Galveston (41%), Smith (44%) and Dallas (55%) counties.

Table 1 represents caseload and case disposition data for the 25 largest counties in Texas.

**Table 1: Juvenile Case Processing Data for Fiscal Year 1997  
25 Most Populous Counties in Texas**

<b>County (Population)</b>	<b>Pending Cases at Beginning of FY 1997</b>	<b>New Cases Added to Docket in FY 1997</b>	<b>Total Cases on Docket in FY 1997</b>	<b>Total Cases Disposed in FY 1997</b>	<b>Clearance Rate in FY 1997</b>	<b>Disposition Rate in FY 1997</b>
Harris (2,818,199)	1,777	9,980	11,757	9,497	95%	81%
Dallas (1,852,810)	3,191	4,634	7,825	4,333	94%	55%
Bexar (1,185,394)	1,867	4,652	6,519	4,091	88%	63%
Tarrant (1,170,103)	509	2,306	2,815	2,595	113%	92%
El Paso (591,610)	111	2,025	2,136	2,027	100%	95%
Travis (576,407)	556	2,280	2,836	2,257	99%	80%
Hidalgo (383,545)	180	715	895	625	87%	70%
Nueces (291,145)	25	591	616	565	96%	92%
Denton (273,525)	311	698	1,009	634	91%	63%
Collin (264,036)	262	387	649	436	113%	67%
Cameron (260,120)	429	590	1,019	661	112%	65%
Jefferson (239,389)	82	415	497	437	105%	88%
Fort Bend (225,421)	199	594	793	511	86%	64%
Lubbock (222,636)	494	478	972	562	118%	58%
<b>Statewide</b>	<b>16,836</b>	<b>43,890</b>	<b>60,467</b>	<b>41,392</b>	<b>94%</b>	<b>68%</b>

Source: *Texas Judicial System, Annual Report: Fiscal Year 1997*, Office of Court Administration, 1998.

Notes: Clearance Rate = (Newly Filed Cases in FY 1997 / Total Cases Disposed in FY 1997);

Office of Court Administration, October 23, 1998

Disposition Rate = (Total Cases on Docket in FY 1997 / Total Cases Disposed in FY 1997).  
Population figures are based on 1990 U.S. Census data.

**Table 1 (Continued): Juvenile Case Processing Data for Fiscal Year 1997  
25 Most Populous Counties in Texas**

County (Population)	Pending Cases at Beginning of FY 1997	New Cases Added to Docket in FY 1997	Total Cases on Docket in FY 1997	Total Cases Disposed in FY 1997	Clearance Rate in FY 1997	Disposition Rate in FY 1997
Galveston (217,396)	707	1,237	1,944	792	64%	41%
Brazoria (191,707)	110	399	509	401	101%	79%
Bell (191,073)	176	408	584	397	97%	68%
McLennan (189,123)	81	556	637	554	100%	87%
Montgomery (182,201)	22	297	319	278	94%	87%
Smith (151,309)	345	559	904	398	71%	44%
Williamson (139,551)	113	241	354	235	98%	66%
Webb (133,239)	96	394	490	275	70%	56%
Wichita (122,378)	224	218	442	163	75%	37%
Brazos (121,862)	22	142	164	108	76%	66%
Taylor (119,655)	59	146	205	115	79%	56%
<b>Statewide</b>	<b>16,836</b>	<b>43,890</b>	<b>60,467</b>	<b>41,392</b>	<b>68%</b>	<b>94%</b>

Source: *Texas Judicial System, Annual Report: Fiscal Year 1997*, Office of Court Administration, 1998.

Notes: Clearance Rate = (Newly Filed Cases in FY 1997 / Total Cases Disposed in FY 1997);  
Disposition Rate = (Total Cases on Docket in FY 1997 / Total Cases Disposed in FY 1997).  
Population figures are based on 1990 U.S. Census data.

While caseloads vary widely among the 25 most populous counties, clearance and disposition rates were found not to be highly related to county size or juvenile caseload. Rather, a county's juvenile case backlog was found to significantly affect disposition rates.

### Backlog of Juvenile Cases in the 25 Most Populous Counties

The pending case rate (i.e., the number of pending cases, or backlog, at the beginning of FY 1997 as a percentage of all cases on the docket in FY 1997) illustrates the backlog problem that contributes to low disposition rates in some counties. Pending case rates ranged from 51 percent in Lubbock and Wichita counties to 4 percent in Nueces County.<sup>10</sup> For a full listing of pending case rates for the largest counties in Texas, please refer to Table A2 below.

**Table 2: Pending Case Rates for Fiscal Year 1997  
25 Most Populous Counties in Texas**

County	Pending Case Rate	County	Pending Case Rate
Lubbock	51%	Brazoria	22%
Wichita	51%	Hidalgo	20%
Cameron	42%	Travis	20%
Dallas	41%	Webb	20%
Collin	40%	Tarrant	18%
Smith	38%	Jefferson	16%
Galveston	36%	Harris	15%
Williamson	32%	Brazos	13%
Denton	31%	McLennan	13%
Bell	30%	Montgomery	7%
Taylor	29%	El Paso	5%
Bexar	29%	Nueces	4%
Fort Bend	25%		

Source: *Texas Judicial System, Annual Report: Fiscal Year 1997*, Office of Court Administration, 1998.

Note: Pending Case Rate = (Number of Pending Cases at the Start of 1997 / Total Cases on Docket in 1997)

<sup>10</sup>The lower the pending case rate, the less severe the case backlog problem.



### **SECTION III: PREVALENCE OF JUVENILE COURT MASTERS, REFEREES, AND ASSOCIATE JUDGES**

This section will discuss:

- 1) the use of juvenile court masters, referees, and associate judges to assist with the adjudication of juvenile cases; and
- 2) the specific duties of juvenile court masters, referees, and associate judges (e.g., what types of cases they are hearing in terms of subject matter and complexity; who determines which cases are assigned to juvenile court masters, referees, or associate judges).

#### **Counties that Employ Juvenile Court Masters, Referees, and Associate Judges**

Fifteen counties reported that they employ juvenile court masters, referees, or associate judges to assist with the adjudication of cases involving minors. In total, 8 masters, 17 referees, and 3 associate judges are currently assisting the juvenile courts with the disposition of juvenile matters. Two counties (Harris and Bexar) employ both masters and referees, one county (Dallas) employs only masters, 10 counties (El Paso, Travis, Nueces, Cameron, Fort Bend, Galveston, Bell, Webb, Brazos, and Bowie) employ referees only, and two counties (Tarrant and Lubbock) employ associate judges only.

**Harris County:** Harris County has a juvenile court master for each of the three juvenile district courts (the 313<sup>th</sup>, 314<sup>th</sup>, 315<sup>th</sup> District Courts), and a referee who hears all probable cause hearings, detention hearings, and interstate compact hearings. Harris County hired its first juvenile court master in 1988.

**Dallas County:** Dallas County has three juvenile court masters who serve the 304<sup>th</sup> and 305<sup>th</sup> District Courts. Two of the masters hear the majority of juvenile cases for their respective district courts and the third master is responsible for handling detention hearings and announcements for youth in detention for Dallas County. Dallas County hired its first juvenile court master in 1981.

**Bexar County:** Bexar County employs two juvenile court masters who serve the two juvenile courts: the 73<sup>rd</sup> District Court and the 289<sup>th</sup> District Court. In addition to the two masters, Bexar County also has four referees who are used primarily for detention hearings and for backups for the masters and judges. Bexar county hired its first juvenile court master in 1989, though referees have been used since the mid 1970s to handle detention hearings.

**Other Counties:** Nine counties (El Paso, Travis, Nueces, Cameron, Galveston, Bell, Webb, Brazos, and Bowie) each employ a referee to assist with the processing of juvenile cases. One additional county, Fort Bend, has three part-time referees who share responsibility for hearing 48-hour probable cause hearings on weekends and holidays.

Two counties (Tarrant and Lubbock) employ associate judges to assist with the adjudication of juvenile cases. Tarrant County has two associate judges who work for the 223<sup>rd</sup> District Court, and Lubbock County has one associate judge.

Table 3 lists the 15 counties that employ masters, referees, and/or associate judges to assist in the adjudication of juvenile cases.<sup>11</sup>

**Table 3**  
**Counties which Employ Juvenile Court Masters, Referees, and/or Associate Judges**

County (Population)	Number of Juvenile Masters Employed	Number of Juvenile Referees Employed	Number of Juvenile Associate Judges Employed
Harris (2,818,199)	3	1	0
Dallas (1,852,810)	3	0	0
Bexar (1,185,394)	2	4	0
Tarrant (1,170,103)	0	0	2
El Paso(591,610)	0	1	0
Travis (576,407)	0	1	0
Nueces (291,145)	0	1	0
Cameron (260,120)	0	1	0
Fort Bend (225,421)	0	3*	0
Lubbock (222,636)	0	0	1
Galveston (217,399)	0	1	0
Bell (191,088)	0	1	0
Webb (133,239)	0	1	0
Brazos (121,862)	0	1	0
Bowie (81,665)	0	1	0
<b>Total</b>	<b>8</b>	<b>17</b>	<b>3</b>

Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

Notes: Though the survey did not ask whether counties had associate judges had handled juvenile matters, two counties (Tarrant and Lubbock counties) noted they had associate judges as opposed to masters or referees that handle juvenile cases.

\*Fort Bend has three part-time juvenile court referees who alternate duty every third weekend and/or holiday.

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<sup>11</sup>This does not include smaller counties that are part of a judicial district with a populous county in which a master, referee, or associate judge is employed (e.g., juvenile cases in Zapata County are heard by the Webb County referee from Laredo).

## **Types of Juvenile Cases Heard by Juvenile Court Masters, Referees, and Associate Judges**

Prior to this statewide mail survey of juvenile probation departments, there was no detailed information about the types of cases that juvenile masters, referees and associate judges hear in Texas. An informal survey of six large counties conducted in December 1997 by OCA staff showed a considerable degree of variation in how masters, referees, and associate judges are used in the adjudication and disposition of juvenile matters, and the mail survey results reported here clearly document that variation.

### ***Types of Cases Heard by Juvenile Court Masters***

There is substantial variation in the types of cases (in terms of both offense and case complexity) heard by juvenile masters between counties and among masters assigned to different courts within a county.

#### ***Harris County***

In Harris County, differences in the distribution of cases (master vs. judge) were noted between the three district courts with juvenile jurisdiction. It was indicated that in the 313<sup>th</sup> District Court, the juvenile cases are split evenly between the master and the district judge regardless of the type of case (e.g., felony against person, property felony, misdemeanor against a person, Child Protective Services (CPS) cases). The masters assigned to the 314<sup>th</sup> and 315<sup>th</sup> District Courts hear 25 percent of the non-CPS cases and the district judges hear the remaining three-quarters of the cases. In both the 314<sup>th</sup> and 315<sup>th</sup> District Courts, the masters hear 75 percent of the CPS cases and the judges hear the remaining 25 percent.

With respect to how cases are divided based on complexity, the survey data for Harris County indicated that while the statute requires the judge to hear jury trials, it is also not unusual for the district judges in Harris County to hear certifications and determinate sentencing cases. It was also noted that final orders on CPS cases are now required to be heard within one year, increasing the workload for the three juvenile courts.

#### ***Dallas County***

Two of the three masters in Dallas County handle similar percentages of different types of non-CPS cases and the third master is utilized in the same way that some of the larger counties utilize referees—to handle detention hearings and announcements for youth in detention. The two masters hearing juvenile cases in the 304<sup>th</sup> and 305<sup>th</sup> District Courts are hearing the following percentages of cases: felonies against persons (65% to 70%); misdemeanors against persons (80%); property felonies (70%); property misdemeanors (80% to 85%); illegal or controlled substances (80%); violations of probation (90%); conduct in need of supervision (CINS) (100%). It was indicated that the master for one Dallas juvenile court hears one percent of the CPS cases and the master for the

other Dallas juvenile court hears 10 percent of the CPS cases that come before that court.

In terms of complexity, two referees hear all juvenile cases except those excluded by statute and those in which a request is made for hearing before a district judge. The third master hears the less complex cases, such as detention hearings and announcements for youth in detention.

*Bexar County*

Though breakdowns for the specific case types were not available from Bexar County, it was indicated that juvenile court masters assigned to the 73<sup>rd</sup> and 289<sup>th</sup> District Courts hear approximately 70 percent of the stipulations.

In terms of complexity, masters in Bexar County do not hear determinate sentencing, certification and transfer cases, or jury trials. Masters are assigned felony and misdemeanor cases without regard to severity or complexity.

*Method for Assigning Cases to the Juvenile Court Master*

In all three counties employing juvenile court masters (Harris, Dallas, and Bexar), the district court judge is responsible for the assignment of cases to the master.

Table 4 provides some detail on the percentages of different types of juvenile cases heard by masters.

**Table 4**  
**Estimated Percentage of Cases Adjudicated and/or Disposed by Juvenile Court Masters**  
**by Type of Offense**

	Harris #1	Harris #2	Harris #3	Dallas #1	Dallas #2	Dallas #3	Bexar #1	Bexar #2
Felonies against persons	50%	25%	25%	70%	65%	N/A	70%	70%
Misdemeanors against persons	50%	25%	25%	80%	80%	N/A	70%	70%
Property felonies	50%	25%	25%	70%	70%	N/A	70%	70%
Property misdemeanors	50%	25%	25%	80%	85%	N/A	70%	70%
Illegal or controlled substances	50%	25%	25%	80%	80%	N/A	70%	70%
Violations of probations	50%	25%	25%	90%	90%	N/A	70%	70%
CINS	50%	25%	25%	100%	100%	N/A	70%	70%
Administrative offenses	50%	25%	25%	N/A	N/A	N/A	70%	70%
CPS cases	50%	75%	75%	1%	10%	N/A	0%	0%
Probable cause hearings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Detention hearings	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A
Interstate compact hearings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Announcements for youth in detention	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A

Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

Notes: N/A indicates that no percentage (including 0%) was provided for the specific case category. It should be noted that CPS cases are not heard exclusively by juvenile courts. They may be heard in any court with family law jurisdiction.

### *Types of Cases Heard by Juvenile Court Referees*

Again, there was considerable variation among the counties employing juvenile court referees in terms of the types of cases and/or hearings to which the referees are assigned.

#### *Harris and Bexar*

In Harris and Bexar, two of the largest counties, the survey indicated that juvenile court referees are used to handle detention hearings. Harris County extended the responsibility of its referee to include probable cause hearings and interstate compact hearings, and Bexar County noted that the four referees they employ also serve as backups to masters and district judges.

*El Paso, Travis, Nueces, Cameron, Galveston, Bell, Brazos, Bowie*

These eight counties use a juvenile court referee to be the primary adjudicator of juvenile cases in their respective jurisdictions. Though the percentage of cases heard varies among these counties, the vast majority of juvenile matters are handled by the referee. Specific information for each of these eight counties is presented below:

El Paso — The 327<sup>th</sup> District Court is the only specialized juvenile court in El Paso County. The court referee handles all juvenile cases, except Texas Youth Commission (TYC) commitments, determinate sentencing, certification cases, and specific cases as determined by the juvenile judge. It was indicated that the court referee hears 99 percent of the felonies against persons or property, misdemeanors against persons or property, illegal or controlled substances, and cases involving violations of probation.

Travis — Though there are no “specialized” juvenile courts in Travis County, all juvenile cases are filed in the 98<sup>th</sup> District Court. The referee hears cases every day of the week and, for two weeks out of each month, a district judge sits as presiding judge of the 98<sup>th</sup> District Court. All cases are initially set on the referee’s docket, except those that must by statute be heard by the juvenile judge. Unless a request is made by the prosecution or defense to have the case heard by the juvenile judge, the referee will hear the case. It was indicated that the referee hears 95 percent of the cases, regardless of offense, and 5 percent of the CPS cases.

Nueces — No “specialized” juvenile courts exist in Nueces County. The court referee hears all cases for the presiding juvenile district judge, including bench trials, unless the case is required to be heard by the judge.

Cameron — Six courts hear juvenile cases in Cameron County. All cases are heard by the referee, unless they are discretionary transfers, determinate sentencing, and cases that cannot be heard by the referee (e.g., conflicts of interest). The referee hears all cases involving misdemeanors against persons and property, illegal controlled substances, violations of probation, and CINS. Additionally, the referee hears 98 percent of the felonies against persons and property.

Galveston — Though three courts in Galveston County hear juvenile cases, there are no “specialized” juvenile courts. Juvenile cases are heard by the referee unless they involve determinate sentencing, a discretionary waiver, or a jury trial. It was indicated that the referee hears 90 percent of cases involving felonies against persons and property, 90 percent of the illegal or controlled substance cases, 95 percent of the cases involving violations of probation, 70 percent of cases involving misdemeanor against persons, and 65 percent of cases involving property misdemeanors.

Bell — The County Court at Law #1 handles all juvenile matters in Bell County. The judge

assigns cases to the referee who tends to hear the more serious cases. It was indicated that 100 percent of cases involving felonies against persons and property, 100 percent of cases involving an illegal or controlled substance and violation of probation, 25 percent of CINS cases, and 20 percent of CPS cases are heard by the referee. The remainder of the juvenile cases are handled by the county court at law judge.

Brazos — Though two courts in Brazos County hear juvenile cases, there are no “specialized” juvenile courts. All cases are originally assigned to the referee. It was indicated that the referee handles all cases involving any offense, including status hearings and except for CINS cases, of which a referee hears 25 percent.

Bowie — The 5<sup>th</sup> District Court is the only court in Bowie county that hears juvenile cases. All cases are heard by the referee, except for transfer hearings, determinate sentencing, jury trials, and cases in which the juvenile and the attorney request that the case be heard by the district judge. It was indicated that the referee handles all cases involving any offense, except for CPS cases.

#### *Webb and Fort Bend*

Webb and Fort Bend Counties differ significantly from the two very large counties that employ both masters and referees (Harris and Bexar) and the eight counties noted above where referees handle the bulk of the juvenile caseload for the county. In Webb and Fort Bend counties, adjudication of juvenile matters is handled by a judge; referees conduct detention hearings and attend to other specialized duties. The detailed narrative for the two counties is as follows:

Webb — There are three courts in Webb County that hear juvenile cases and a detention hearing referee. The referee is responsible for all detention hearings and adjudications on Mexican alien juveniles.

Fort Bend — Three county courts at law in Fort Bend County handle all juvenile matters. Fort Bend County employs three part-time referee to handle 48-hour probable cause hearings on detained juveniles on holidays and/or weekends. The referees rotate duty every third weekend/holiday.

#### ***Method for Assigning Cases to the Juvenile Court Referee***

Though it was not explicitly noted who made the assignment determination, in seven of the nine counties employing only juvenile court referees (Nueces, Cameron, Galveston, Bowie, Brazos, Travis, and El Paso), the referee is assigned all cases with the exception of those cases that cannot be heard by the referee due to statutory restrictions or conflicts of interest.

In Bell County, the juvenile judge assigns cases to the referee. In Fort Bend County, referees are only responsible for detention hearings.

In counties where juvenile court masters and referees are present (Harris and Bexar), the referees are responsible for detention hearings and the masters are assigned cases for adjudication by the juvenile judges.

Table 5 provides some detail on the percentages of different types of juvenile cases heard by juvenile court referees.

**Table 5**  
**Estimated Percentage of Cases Being Heard by Juvenile Court Referees**  
**by Specific Type of Offense**

	Harris	Bexar (4)	El Paso	Travis	Nueces	Cameron
Felonies against persons	0%	N/A	99%	95%	100%	98%
Misdemeanors against persons	0%	N/A	99%	95%	100%	100%
Property felonies	0%	N/A	99%	95%	100%	98%
Property misdemeanors	0%	N/A	99%	95%	100%	100%
Illegal or controlled substances	0%	N/A	99%	95%	100%	100%
Violations of probations	0%	N/A	99%	95%	100%	100%
CINS	0%	N/A	N/A	95%	100%	100%
Administrative offenses	0%	N/A	N/A	95%	N/A	N/A
CPS cases	0%	N/A	N/A	5%	N/A	N/A
Probable cause hearings	100%	N/A	N/A	N/A	N/A	N/A
Detention hearings	100%	100%	N/A	N/A	N/A	N/A
Interstate compact hearings	100%	N/A	N/A	N/A	N/A	N/A
Weekend or holiday 48-hour probable cause hearings	N/A	N/A	N/A	N/A	N/A	N/A
Status hearings	N/A	N/A	N/A	N/A	N/A	N/A
Cases involving Mexican alien juveniles	N/A	N/A	N/A	N/A	N/A	N/A

Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

Notes: N/A indicates that no percentage (including 0%) was provided for the specific case category.

CPS cases are not heard exclusively by juvenile courts. They may be heard in any court with family law jurisdiction.



**Table 5 (Continued)**  
**Estimated Percentage of Cases Being Heard by Juvenile Court Referees**  
**by Specific Type of Offense**

	<b>Fort Bend (3)</b>	<b>Galveston</b>	<b>Bell</b>	<b>Webb</b>	<b>Brazos</b>	<b>Bowie</b>
Felonies against persons	N/A	90%	100%	N/A	100%	100%
Misdemeanors against persons	N/A	70%	10%	N/A	100%	100%
Property felonies	N/A	90%	100%	N/A	100%	100%
Property misdemeanors	N/A	65%	10%	N/A	100%	100%
Illegal or controlled substances	N/A	90%	100%	N/A	100%	100%
Violations of probations	N/A	95%	100%	N/A	100%	100%
CINS	N/A	0%	25%	N/A	25%	100%
Administrative offenses	N/A	N/A	N/A	N/A	0%	100%
CPS cases	N/A	0%	20%	N/A	0%	0%
Probable cause hearings	N/A	N/A	N/A	N/A	N/A	N/A
Detention hearings	N/A	N/A	N/A	100%	N/A	N/A
Interstate compact hearings	N/A	N/A	N/A	N/A	N/A	N/A
Weekend or holiday 48-hour probable cause hearings	100%	N/A	N/A	N/A	N/A	N/A
Status hearings	N/A	N/A	N/A	N/A	100%	N/A
Cases involving Mexican alien juveniles	N/A	N/A	N/A	100%	N/A	N/A

Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

Notes: \*Fort Bend has three part-time juvenile court referees who are responsible for hearing 48-hour probable cause hearings on detained juveniles on weekends and holidays. The duty is split evenly by the three referees who alternate every third weekend and/or holiday.

N/A indicates that no percentage (including 0%) was provided for the specific case category.

CPS cases are not heard exclusively by juvenile courts. They may be heard in any court with family law jurisdiction.

***Types of Cases Heard by Juvenile Court Associate Judges***

Tarrant and Lubbock counties employ associate judges to assist with the adjudication of juvenile matters. The two counties use the associate judges in markedly different ways:

***Tarrant County***

The 323<sup>rd</sup> District Court hears all juvenile cases filed in Tarrant County. Cases are divided evenly among the district judge and two associate judges assigned to the court. The district judge hears all certification and determinate sentencing trials. The remainder of the delinquency and CPS cases are divided evenly among the district judge and the two associate judges.

***Lubbock County***

In Lubbock County, six district courts rotate juvenile court hearings. Once every six weeks, each district court hears juvenile cases. The district judges hear all original petition and modification hearings, and the associate judge handles all detention hearings and CPS cases. The associate judge handles detention hearings three days each week.

***Method for Assigning Cases to the Juvenile Court Associate Judge***

In Tarrant County, it was indicated that other than statutory constraints, the availability of time among the three judges (i.e., the district judge and the two associate judges), is the primary determinant as to which judge a case is assigned.

In Lubbock County, the juvenile board appointed an associate judge to hear only detention hearings. All original petition and modification hearings are handled by six district court judges that rotate duty.

Table 6 provides the percentages of the various types of juvenile cases heard by the associate judges in Tarrant and Lubbock counties.

**Table 6**  
**Estimated Percentage of Cases Being Heard by Juvenile Court Associate Judges**  
**by Specific Type of Offense**

	<b>Tarrant* #1</b>	<b>Tarrant* #2</b>	<b>Lubbock</b>
Felonies against persons	33%	33%	0%
Misdemeanors against persons	33%	33%	0%
Property felonies	33%	33%	0%
Property misdemeanors	33%	33%	0%
Illegal or controlled substances	33%	33%	0%
Violations of probations	33%	33%	0%
CINS	N/A	N/A	0%
Administrative offenses	N/A	N/A	0%
CPS cases	33%	33%	100%
Probable cause hearings	N/A	N/A	N/A
Detention hearings	33%	33%	100%
Show cause hearings	33%	33%	N/A
Transfer of jurisdiction	33%	33%	N/A
Ex parte removals	33%	33%	N/A

Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

Notes: \*In Tarrant County, the district judges hears all certification and determinate sentencing trials, and all final termination trials. Otherwise, the remaining delinquency and CPS cases are divided evenly among the two associate judges and the judge of the 223<sup>rd</sup> District Court.

CPS cases are not heard exclusively by juvenile courts. They may be heard in any court with family law jurisdiction.

## SECTION IV: STATEWIDE SURVEY ON JUVENILE CASE PROCESSING

This section summarizes mail survey data collected from counties on the process for assigning juvenile cases to specific courts, the types of informal methods used for the disposition of cases, the degree to which probation violations are enforced, and the use of automated systems for the courts and the juvenile departments to assist with the processing of juvenile cases.

### **Process for Assigning Juvenile Cases to the Courts**

Because OCA's study found substantive differences in the process for assigning cases by county size, the following summary of the process for assigning cases to the courts is provided for the following county population size groups:

- 1) 200,000 or more (i.e., large counties);
- 2) 50,000 to 199,999 (i.e., medium-sized counties); and
- 3) Less than 50,000 (i.e., small counties).

### ***Large Counties***

Though the survey indicated some differences in case processing and assignment among the largest 15 counties (with populations of 200,00 or more), it is clear that the district clerk typically assumes responsibility for case assignment to the district court(s).

- In five of the 15 counties with population levels of 200,000 or more (Dallas, Bexar, Collin, Cameron, and Jefferson), the district clerk divides cases evenly among the district courts hearing juvenile cases in the county.
- Three other large counties (Harris, Hidalgo, and Galveston) did not specify exactly how the cases are assigned, but did indicate that the district clerk assigns cases to the district courts hearing juvenile cases.
- Lubbock County noted that cases are assigned to the district court hearing juvenile matters that week,<sup>12</sup> and in three other counties (Tarrant, El Paso and Travis), the district clerk assigns cases to the one district court hearing juvenile cases in the county.
- In Denton and Fort Bend counties, juvenile cases are heard in the county court(s) at law and assigned by the county clerk.

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<sup>12</sup>In Lubbock County, six district courts hear original petition and modification hearings for juvenile cases. The courts rotate juvenile court duties every six weeks, allowing each court to hear juvenile cases.

- For the remaining large county, Nueces, it was noted that the county attorney files the cases with the presiding juvenile court. Eight district courts handle juvenile matters in Nueces County.

### ***Medium-Sized Counties***

In counties with populations in the 50,000-to-199,999 range, it is more common for the bulk of juvenile cases to be heard in the county courts at law, with cases involving more serious offenses (e.g., TYC commitments) heard in the district court.

- Seven of the 22 medium-sized counties responding to the question (32%) indicated that one court (usually the county court at law) handles most of the juvenile cases in the county. In some of these counties, the most serious cases, or cases in which a conflict of interest arises, are heard in district court.
- Five counties (23%) indicated that the juvenile cases are assigned to the district court.<sup>13</sup>
- The remainder of the medium-sized counties responding to this question on the case assignment process provided a wide variety of answers including the following:
  - 1) cases are divided geographically among the courts;
  - 2) cases are assigned by juvenile's even or odd last P.I.D. number; and
  - 3) district court and county court at law alternate juvenile court dockets.

### ***Small Counties***

Since many of the small counties in Texas have only one court that hears juvenile matters, the assignment process is fairly uniform. Typically one court, either the county court or the district court, will hear nearly all juvenile cases in the county. The following summarizes the most common responses to this question for small Texas counties:

- Of the small counties that commented on the process for handling juvenile cases, 43 percent indicated that all juvenile cases are assigned to the one juvenile court in the county that handles juvenile matters.
- Of the 58 small counties that gave some indication of which court (e.g., county or district court) is assigned juvenile cases in the county, 40 percent noted that juvenile cases were assigned to the district court, 29 percent noted that they were assigned to the county-level court, and 31 percent indicated that juvenile cases could be heard in either the county or district courts and the venue for the hearing was often a function of the type of case (e.g., "most juvenile matters are heard in county court except Texas Youth Commission (TYC) commitments, which are

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<sup>13</sup>In many of these medium-sized counties, the petition is filed with either the district clerk or county clerk, depending on whether the designated juvenile court is a district or county court. The case is then assigned to the appropriate court.

heard in district court”).

It should also be noted that in the smaller counties, the county attorney tends to play a more prominent role in case assignment than in the larger counties, where the district clerk assumes the role of assigning cases to the appropriate court.

### **Guidelines for the Informal Disposition of Cases by Law Enforcement Officers**

Approximately 10 percent of the responding counties indicated that the county juvenile board has approved guidelines that allow law enforcement officers to informally dispose of cases without having the case formally adjudicated and disposed of by the juvenile court. These guidelines, which are prepared in accordance with Sections 52.01 and 52.03, Texas Family Code, are more commonly approved by the juvenile boards operating in the larger counties in the state. Seven of the most populous 25 counties (Tarrant, Nueces, Denton, Collin, Taylor, Brazoria, and Montgomery) indicated that their county juvenile board had approved guidelines for law enforcement officers to informally dispose of certain types of cases.

The following are examples of guidelines from the responding counties:

- A child may be eligible for disposition without referral to juvenile court if the child meets the following criteria:
  - 1) the evidence against the child is not sufficient to permit the filing of a petition in the juvenile court with the reasonable expectation that the offense can be proved in court beyond a reasonable doubt;
  - 2) the investigation produces sufficient evidence that the child was involved in the commission of a misdemeanor offense;
  - 3) the child has not been previously referred to the juvenile court;
  - 4) the child is not known to be on probation with any juvenile probation department regardless of jurisdiction; and
  - 5) the law enforcement agency has not disposed of the case by disposition without referral to the juvenile court more than once before.
- A juvenile first offender (between the ages of 10 and 17) without a prior history of referral to the juvenile probation department who is taken into custody for the following offenses may be eligible for the disposition program without referral to the court:
  - 1) conduct indicating a need for supervision; or
  - 2) delinquency conduct other than a) a felony of the first, second, or third degree, a state jail felony, an aggravated controlled substance felony, or a capital felony; or b) a misdemeanor involving violence to a person, use or possession of a firearm, illegal knife or club, driving while intoxicated, public intoxication, a controlled substance or dangerous drug violation.
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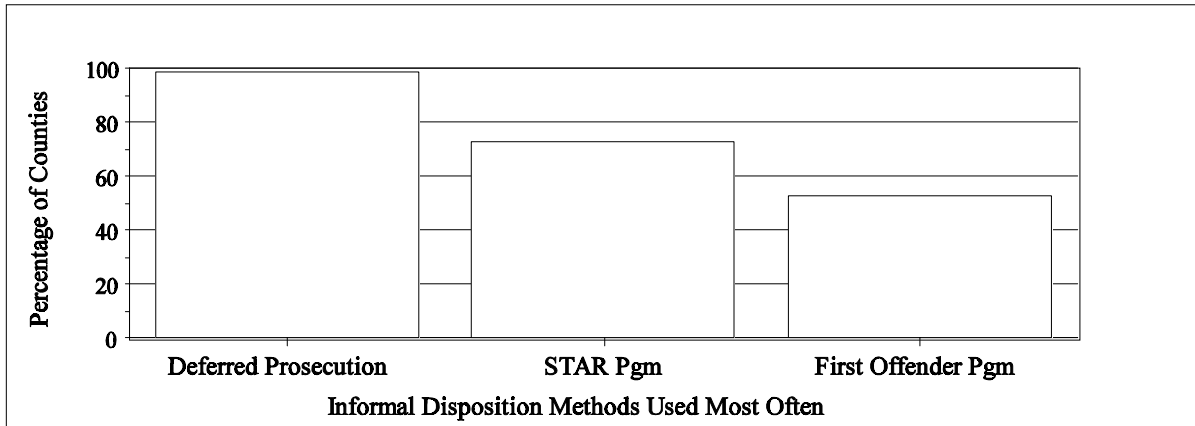
- Disposition, without referral to juvenile court, of an eligible child may be handled in the following ways:
  - 1) issuance of a warning notice as authorized by Section 52.10, Texas Family Code;
  - 2) referral of the child to an agency rather than the juvenile court; or
  - 3) a conference under Sections 52.03 (b) and (c), Texas Family Code.
- Authorized agencies for referral include a United Way supported agency, any city, county, or federally supported agency, or any licensed agency of the state.
- Disposition of the matter (as noted in #3 of the third bullet above) may be a brief conference with the child and his or her parent, guardian or custodian.

### **Degree of Emphasis Placed on Informal Disposition of Juvenile Cases**

Forty-seven percent of the responding counties indicated that emphasis was placed on the informal disposition of juvenile cases in their county, with the remaining 53 percent noting that no emphasis was placed on informal disposition.

When the probation departments were asked to indicate the methods of informal disposition used in their counties, it became clear that deferred prosecution was the primary method used in the state. Ninety-nine percent of the responding counties used deferred prosecution, 73 percent used the STAR Program, and 53 percent used the First Offender Program to informally dispose of juvenile cases. Other methods of informal disposition include: Supervisory Caution/Counsel and Release; Neighborhood/County Committees; Teen Court; and Early Intervention Programs. (See Figure 1.)

**Figure 1**  
**Percentage of Counties Using Various Informal Disposition Methods**

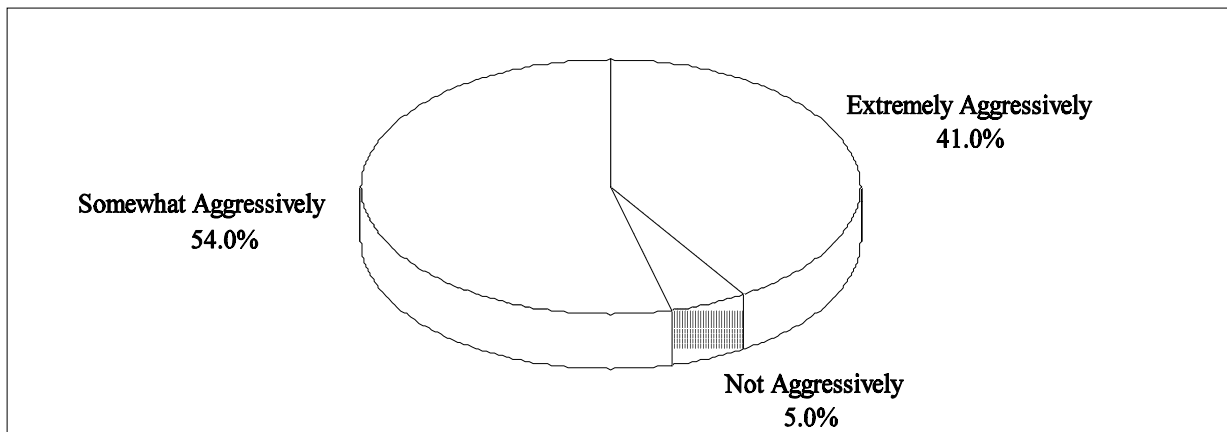


Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

### Enforcement of Probation Violations

The enforcement of probation violations is central to the processing of juvenile cases. When asked how aggressively juvenile probation violations are pursued, 41 percent indicated that they are pursued “extremely aggressively,” and 54 percent noted that probation violations were pursued “somewhat aggressively.” Five percent of the responding counties indicated that juvenile probation violations were not pursued aggressively. (See Figure 2.)

**Figure 2**  
**Degree to which Juvenile Probation Violations are Pursued**



Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.



A follow-up question was then asked: “What role does the enforcement of probation, particularly the laws and rules of probation, play in the disposition of juvenile cases?”

Responses to this follow up question were sparse and widely varied. Some of the most frequent responses were as follows:

- Enforcement of probation is very significant from the court’s perspective because violations of rules usually result in dispositions being modified to a more stringent alternative;
- Role of enforcement plays an essential role...modifications are usually initiated by the district attorney’s office;
- It plays a key role in the administration of progressive sanctions, and placements in child care facilities;
- We would like to be more pro-active (in the enforcement of probation violations), but it is difficult due to lack of resources; and
- Modifications are rare. Probation violations are not very aggressively pursued.

### **Automated Case Management Software Assisting Courts with Juvenile Case Processing**

The survey responses indicate that this is an area that can be greatly improved. Just over a quarter of the responding counties (26%) indicated that their courts used an automated case management system to assist with the processing of juvenile cases. The most commonly mentioned program (by 38% of the respondents) was the same program that is used by most of the juvenile probation departments, Caseworker IV, provided by the Texas Juvenile Probation Commission (TJPC). Other systems used by the courts include software developed in-house (10%), software developed by Net Data (8%), software developed by the Software Group (8%), and other privately designed systems.

Overall, the juvenile probation departments felt the courts were either extremely satisfied (27%) or somewhat satisfied (54%) with the system. Fourteen percent indicated that the courts were neither satisfied nor dissatisfied and the remaining five percent noted that the courts were experiencing some degree of dissatisfaction with their current case management software. (See Figure 3.)

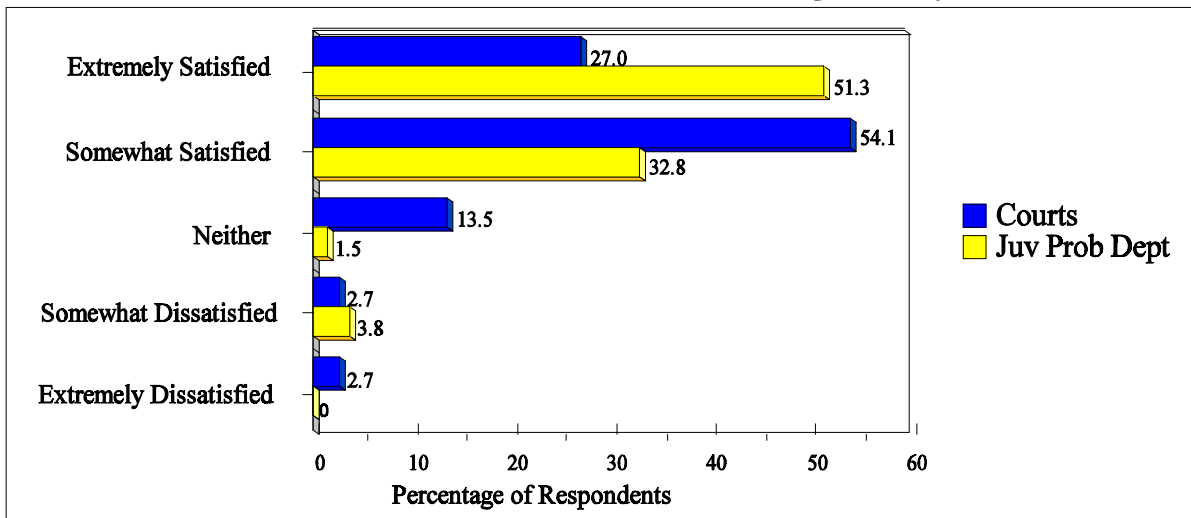
Almost half (47%) of the automated case processing systems for the courts have been in place for more than five years. Thirty-six percent noted the system has been in place for two to five years, and 17 percent indicated that the system was relatively new (in place for less than two years).

**Automated Case Management Software  
Assisting Juvenile Probation Departments with Juvenile Case Processing**

The overwhelming majority (84%) of the responding counties indicated that an automated case management software program is used by the juvenile probation department to assist with the processing of cases. Ninety-five percent of the counties indicating that they had an automated system for the juvenile probation department noted that the TJPC’s Caseworker IV program was currently in place.

There was a higher degree of satisfaction with the automated system among the juvenile probation departments. Fifty-one percent of the counties indicated that the juvenile probation departments were “extremely satisfied” with their case management software and 33 percent indicated that they were “somewhat satisfied” with the system. A very low percentage of counties (6 percent) expressed indifference or dissatisfaction with the system (primarily Caseworker IV). (See Figure 3.)

**Figure 3  
Degree to which the Courts and Juvenile Probation Departments and Courts  
are Satisfied with the Automated Case Management System**



Source: Juvenile Case Processing Survey, Office of Court Administration, 1998.

A majority of the counties (54%) indicated that their juvenile probation departments have been using

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an automated software program to assist with the processing of juvenile cases for more than five years. Thirty-six percent of the counties noted that the automated system for the juvenile probation department has been in place for two to five years, and the remaining 10 percent indicated that the department has been using an automated system for less than two years.

## **SECTION V: FACTORS THAT MAY AFFECT JUVENILE CASE PROCESSING EFFICIENCY IN THE 50 MOST POPULOUS COUNTIES**

This section of the report provides data collected in a supplemental fax survey of the 50 most populous counties in Texas. Data collected in the fax survey was derived from the following queries:

- 1) List any relevant factors which have an impact on how efficiently juvenile cases are disposed in your county; and
- 2) Briefly describe any resources you believe would improve the disposition of juvenile cases in your county.

### **Key Factors That May Affect Juvenile Case Processing Efficiency**

When the chief juvenile probation officers of the 50 most populous counties in Texas were asked to respond to what relevant factors have an impact on how efficiently juvenile cases are processed in their county, the following responses were cited most frequently: <sup>14</sup>

- 1) Cooperation and effective communications among the various entities involved in the juvenile justice system (e.g., courts, juvenile probation department, law enforcement, prosecutor, schools). (N=38)
- 2) Delays emanating from the district or county attorney's office including: a) delays in filing petitions and motions to modify dispositions/lack of prosecutorial or receptiveness in filing and trying juvenile cases; b) turnaround time of cases being reviewed by the district attorney for juvenile probation; d) inability/delays in establishing probable cause; and e) timely prosecution of cases by district attorney Office. (N=14)
- 3) Availability of court time for juvenile cases including: a) dedicated dockets for juvenile cases; b) timely docket settings for juvenile cases; c) inadequate number of judges to hear juvenile cases; and d) the need for full-time juvenile judges. (N=13)
- 4) Expedient investigations by law enforcement agencies and timely filing of case reports with the juvenile probation department. (N=9)

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<sup>14</sup>N refers to the number of times an issue was mentioned by the responding juvenile probation departments. An issue, particularly related to cooperation between various sets of juvenile justice entities (e.g., D.A. and Juvenile Probation, Courts and the D.A.), may be noted more than once by a particular respondent.

- 5) The avoidance of unnecessary delays, resets, and continuances by judges and attorneys. (N=8)
- 6) Written policies which outline case processing procedures and time frame parameters for processing cases. (N=4)
- 7) Issues involving defense attorneys such as: a) whether the defense attorney is appointed or retained; b) the level of involvement in the case by court-appointed attorneys; and c) defense attorneys meeting with their clients prior to the trial. (N=4)
- 8) An efficient computer system, such as Caseworker IV, to monitor cases on line and print weekly reports on docketed cases. (N=3)

### **Resources Needed for the Improvement of Juvenile Case Disposition Rates**

When the chief juvenile probation officers of the 50 most populous counties in Texas were asked to respond to what resources would improve the disposition of cases in their county, the following responses were cited most frequently:<sup>15</sup>

- 1) Forty-four percent of the responding counties indicated a need for additional juvenile judges, associate judges, referees, and/or masters to adjudicate juvenile cases. (N=18)
- 2) Thirty-seven percent of the responding counties indicated a need for additional prosecutors to handle juvenile cases. (N=15)
- 3) Fifteen percent of the responding counties indicated a need for additional juvenile court. (N=6)
- 4) Twelve percent of the responding counties indicated a need for additional staff and resources for prosecutor, associate judges, etc. (N=5)
- 5) Twelve percent of the responding counties indicated a need for additional juvenile probation officers and staff. (N=5)

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<sup>15</sup>N refers to the number of chief juvenile probation officers which indicated that the particular resource would improve the disposition of juvenile cases in their county.

- 6) Ten percent of the responding counties indicated a need for additional funds for juvenile placement. This includes contract placement, locally operated juvenile probation department facilities, regional center placement, and handling of cases currently being managed by CPS. (N=4)
- 7) Five percent of the responding counties indicated a need for a computer system for on-line access to juvenile and adult records and link to the district attorney's office, and a program to link the district attorney's office to the juvenile department for victims' issues. (N=2)
- 8) Five percent of the responding counties indicated a need for better lines of communication among the county attorney, child's attorney, juvenile probation department, and juvenile courts. (N=2)
- 9) Five percent of the responding counties indicated a need for additional funds for social services such as an after-care program and other services to address juvenile needs. (N=2)

**APPENDIX A:**

**INSTRUMENT FOR THE STATEWIDE  
JUVENILE CASE PROCESSING MAIL SURVEY**



# OFFICE OF COURT ADMINISTRATION

JERRY L. BENEDICT  
Administrative Director

## JUVENILE CASE PROCESSING SURVEY

1.
  - a. How many courts in your county handle juvenile matters? \_\_\_\_\_
  - b. Please list the names of all "specialized" courts in your county that hear juvenile cases only (e.g. the 223<sup>rd</sup> District Court).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2.
  - a. How many masters do you have in your county that handle juvenile cases? \_\_\_\_\_
  - b. How many referees does your county have that handle juvenile cases? \_\_\_\_\_
  - c. Are the terms master and referee used interchangeably for juvenile cases?  
 \_\_\_\_\_ YES  
 \_\_\_\_\_ NO
  
3. What year did your county first hire juvenile masters? \_\_\_\_\_
  
4. Please briefly explain the process for handling juvenile cases in your county (e.g., district clerk divides cases equally between the courts).
  
5. Who is responsible for the assignment of juvenile cases?
 

_____	Judge
_____	Court Manager
_____	Court Coordinator
_____	District Attorney
_____	Other ( <b>Please specify</b> )



6. a. How does your county decide to assign a case to a juvenile court master or referee and when does the master or referee enter the case processing system? (Sample response: Judge assigns cases to the master).

b. Does your county have formal guidelines for assigning juvenile cases to court masters or referees?

\_\_\_\_\_ YES (If yes, please attach a copy of those guidelines)

\_\_\_\_\_ NO

7. What proportion of the following juvenile cases are heard by a master or referee? (**Please answer the following questions separately for each master's or referee's court in your county handling juvenile matters and attach a separate sheet if necessary**).

a. Master or referee's name and court (if applicable)\_\_\_\_\_

\_\_\_\_\_ % Felonies against persons

\_\_\_\_\_ % Misdemeanors against persons

\_\_\_\_\_ % Property felonies

\_\_\_\_\_ % Property misdemeanors

\_\_\_\_\_ % Illegal or controlled substances

\_\_\_\_\_ % Violations of probation

\_\_\_\_\_ % CINS (conduct indicating a need for supervision)

\_\_\_\_\_ % Administrative Offenses

\_\_\_\_\_ % CPS cases (Child Protective Services cases)

\_\_\_\_\_ % Other, please specify\_\_\_\_\_

b. Master's or referee's name and court (if applicable)\_\_\_\_\_

\_\_\_\_\_ % Felonies against persons

\_\_\_\_\_ % Misdemeanors against persons

\_\_\_\_\_ % Property felonies

\_\_\_\_\_ % Property misdemeanors

\_\_\_\_\_ % Illegal or controlled substances

\_\_\_\_\_ % Violations of probation

\_\_\_\_\_ % CINS (conduct indicating a need for supervision)

\_\_\_\_\_ % Administrative Offenses

\_\_\_\_\_ % CPS cases (Child Protective Services cases)

\_\_\_\_\_ % Other, please specify\_\_\_\_\_

- c. Master's or referee's name and court (if applicable) \_\_\_\_\_
- \_\_\_\_\_ % Felonies against persons
  - \_\_\_\_\_ % Misdemeanors against persons
  - \_\_\_\_\_ % Property felonies
  - \_\_\_\_\_ % Property misdemeanors
  - \_\_\_\_\_ % Illegal or controlled substances
  - \_\_\_\_\_ % Violations of probation
  - \_\_\_\_\_ % CINS (conduct indicating a need for supervision)
  - \_\_\_\_\_ % Administrative Offenses
  - \_\_\_\_\_ % CPS cases (Child Protective Services cases)
  - \_\_\_\_\_ % Other, please specify \_\_\_\_\_

8. In terms of complexity, how are the juvenile cases distributed between the judge and the master or referee? **(Please answer the question separately for each master's or referee's court in your county handling juvenile matters and attach a separate sheet if necessary).**

a. Master's or referee's name and court (if applicable) \_\_\_\_\_

b. Master's or referee's name and court (if applicable) \_\_\_\_\_

c. Master's or referee's name and court (if applicable) \_\_\_\_\_

9. Has the juvenile board in your county approved guidelines that allow law enforcement officers to informally dispose of cases without referring the case to the juvenile court?

- \_\_\_\_\_ YES (If yes, please attach a copy of those guidelines if available)
- \_\_\_\_\_ NO

10. Is there an emphasis placed on informal disposition of juvenile cases?  
\_\_\_\_\_ YES  
\_\_\_\_\_ NO
11. What methods of informal dispositions are being used in your county?  
\_\_\_\_\_ Deferred Prosecution  
\_\_\_\_\_ First Offender Program  
\_\_\_\_\_ Star Program for students at-risk  
\_\_\_\_\_ Others (**Please specify**)
12. Of the informal disposition approaches described above, which three are used most often?  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
13. a. Does your county use an automated case management software program to assist **courts** with the processing of juvenile cases?  
\_\_\_\_\_ YES (**Please specify type of software and name of vendor**)  
\_\_\_\_\_ NO
- b. Does your county use an automated case management software program to assist the **juvenile probation department** with the processing of juvenile cases?  
\_\_\_\_\_ YES (**Please specify type of software and name of vendor**)  
\_\_\_\_\_ NO
14. a. To what degree are your **courts** satisfied with their case management software system?  
\_\_\_\_\_ Extremely satisfied  
\_\_\_\_\_ Somewhat satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Somewhat dissatisfied  
\_\_\_\_\_ Extremely dissatisfied
- b. To what degree is your **juvenile probation department** satisfied with its case management software system?  
\_\_\_\_\_ Extremely satisfied  
\_\_\_\_\_ Somewhat satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Somewhat dissatisfied  
\_\_\_\_\_ Extremely dissatisfied

15. a. How long has your **courts'** current case management software systems for juvenile cases been in place?
- Less than 1 year
  - 1 to 2 years
  - 2 to 5 years
  - More than 5 years
- b. How long has your **juvenile probation department's** current case management software system for juvenile cases been in place?
- Less than 1 year
  - 1 to 2 years
  - 2 to 5 years
  - More than 5 years
16. What type of case assignment system (for purposes of calendaring) is used in your county?
- Master calendar
  - A system where each court is assigned its own docket
  - A hybrid system that incorporates elements of master and individual calendaring approaches
  - Other (**Please specify**)
17. a. To what degree are juvenile probation violations pursued in your county?
- Extremely aggressive
  - Somewhat aggressive
  - Not aggressive
- b. What role does the enforcement of probation (particularly the laws and rules of probation) play in the disposition of juvenile cases in your county? **Note: This refers to the modification of disposition for probation cases in which the modification may have been petitioned by the parents, district attorney, or another party.**
18. Are juvenile cases that appear in juvenile court to as petitions for modification of disposition counted as **NEWLY FILED** cases for OCA statistical reporting purposes?
- YES
  - NO
19. In Fiscal Year 1997, how many cases were heard in your county's juvenile courts that involved petitions for modification of disposition?

20. When reporting juvenile statistics to the Office of Court Administration/Judicial Council, there is a series of questions related to the disposition of cases. There is a category called "All other dispositions including cases dismissed without any adjudication." **What types of cases fall into the "all other dispositions category"** in your county? (*See sample reporting form attached*)

**APPENDIX B:**

**INSTRUMENT FOR THE FAX SURVEY  
OF THE 50 MOST POPULOUS COUNTIES**

**FAX SURVEY**  
**JUVENILE CASE PROCESSING IN THE 50 MOST POPULOUS COUNTIES:**  
**FACTORS WHICH INFLUENCE JUVENILE CASE PROCESSING EFFICIENCY**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
County: \_\_\_\_\_  
Telephone: \_\_\_\_\_

1a. **Please list any relevant factors (e.g., cooperation between district attorney, juvenile courts, and the juvenile probation department; family law masters to assist with the adjudication of cases; juvenile court referees; etc.), in order of importance, which have an impact on how efficiently juvenile cases are disposed in your county.**

- #1 \_\_\_\_\_
- #2 \_\_\_\_\_
- #3 \_\_\_\_\_
- #4 \_\_\_\_\_
- #5 \_\_\_\_\_
- #6 \_\_\_\_\_
- #7 \_\_\_\_\_
- #8 \_\_\_\_\_
- #9 \_\_\_\_\_
- #10 \_\_\_\_\_

- 1b. **Please briefly describe any resources you believe would improve the disposition of juvenile cases in your county (e.g., family law masters, referees, additional juvenile court, technology). Please attach additional pages if necessary.**