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TEXAS
JUVENILE JUSTICE
DEPARTMENT

RQ-0583-KP

VIA FEDEX

February 21, 2025

Hon. Ken Paxton
Texas Attorney General
Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548
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Attn: Open Records Division, Opinion Committee Office of the Attorney General
VIA FedEx

Re: Request for Opinion

Dear General Paxton:

Pursuant to Government Code Section 402.042(a)(2), I request an Attorney General Opinion on the following matters:

1. Does the Office of Independent Ombudsman (OIO) have the authority to conduct interviews with youth who have been adjudicated for delinquent conduct constituting a felony and have been ordered committed to the Texas Juvenile Justice Department (TJJD) but who are currently detained in a county pre-adjudication detention facility pending transport to TJJD?
2. Does the OIO have the authority to review and inspect county pre-adjudication detention facilities when those facilities detain youth that have been adjudicated for delinquent conduct constituting a felony and have been ordered committed to TJJD?

The OIO is required to review complaints “concerning the actions of the department, juvenile probation departments, or other entities operating facilities in which children adjudicated for

conduct that constitutes an offense are placed” and investigate such complaints when it appears that assistance from the Office may be needed. TEX. HUM. RES. CODE § 261.101(a)(2), (3). During reviews and investigations, the OIO regularly conducts interviews of adjudicated children. Does the OIO have authority to conduct such interviews with children who have been adjudicated and committed to TJJD even though they may be housed in a county pre-adjudication facility?

In addition, the OIO is required to “review or inspect periodically the facilities and procedures of any institution or residence in which a child adjudicated for conduct that constitutes an offense has been placed by the department or a juvenile probation department, whether public or private, to ensure that the rights of children are fully observed.” Id. § 261.101(a)(4). OIO is also authorized to inspect “any [] residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order.” Id. § 261.101(f)(1)(D). Does OIO’s authority to conduct inspections extend to a county pre-adjudication facility when it houses adjudicated children awaiting transport to a TJJD facility?

Following adjudication by a juvenile court resulting in an order of commitment to TJJD, an adjudicated child may remain in an appropriate detention facility, such as a county pre-adjudication facility, pending transport to TJJD. TEX. FAM. CODE § 54.04(x). While TJJD endeavors to take custody of adjudicated youth as soon as possible, there are approximately 100 adjudicated children across the State awaiting transport to a TJJD facility at any given time. TJJD seeks this clarification of the OIO’s authority on the OIO’s behalf in order to ensure the OIO is able to fulfill its purpose of “investigating, evaluating, and securing the rights of children” committed to TJJD. TEX. HUM. RES. CODE § 261.002.

Thank you for your attention to this request. If any additional information is needed, please let me know.

Sincerely,



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