

Juvenile Boards: Power and Responsibility

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PART I: OVERVIEW

UNDERSTANDING JUVENILE BOARD DUTIES



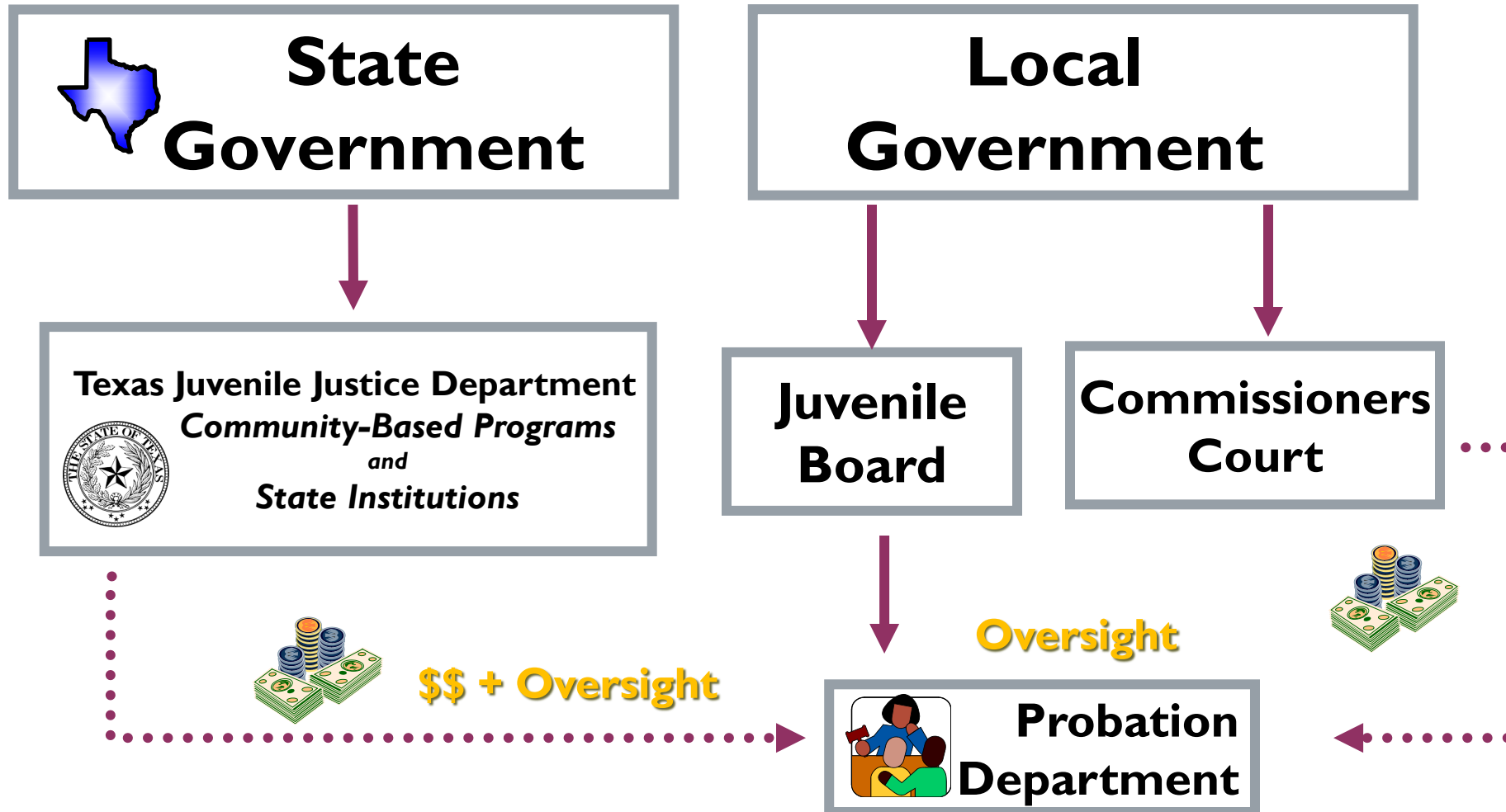
JUVENILE BOARD & CHIEF JUVENILE PROBATION OFFICER

- “The juvenile board is the board of directors of Juvenile Justice. Inc., while the chief juvenile probation officer is the chief executive officer.”
- “The board is empowered to select and employ the chief juvenile probation officer for the county ... and the chief does everything else.”
 - Robert O. Dawson, Texas Juvenile Law, 8th Edition.

JUVENILE BOARD DEFINED

- A juvenile board is defined as “a body established by law to provide juvenile probation services to a county.”
- Texas Human Resources Code, Section 201.001 Definitions

TEXAS JUVENILE JUSTICE SYSTEM STRUCTURE



JUVENILE JUSTICE SYSTEM

Human Resources Code, Title 12

- Subtitle A, Chs. 221 – 223
Juvenile Justice Board and TJJD
- Subtitle B, Chs. 221 – 223
Probation Services, Probation Facilities
- Subtitle C, Chs. 241-246
Secure [State] Facilities
- Subtitle D, Ch. 261
Independent Ombudsman

Administrative Rules

aka, “Standards”

Texas Administrative Code

Chapters 341- 359

TJJD Probation Standards

Chapters 350 and 385

State Programs & Facilities

TEXAS JUVENILE BOARDS

ENABLING LEGISLATION

- Human Resources Code Chapter 152
- Subchapters A, B, C & D

OTHER RELEVANT PROVISIONS

- Family Code - Title 3
- Government Code - Chs. 411, 551, 552
- Local Government Code - Chs. 111, 140

HRC SEC. 152.171 I. MIDLAND COUNTY

- a) The Midland County Juvenile Board is composed of the county judge, the district judges in Midland County, and the judge of each county court at law.
- b) The juvenile court judge is the chairman of the board and its chief administrative officer.
- c) The chairman shall certify all claims for expenses of the juvenile probation officer as necessary in the performance of the officer's duties. The commissioners court shall provide the necessary funds to pay the salaries and expenses of the juvenile probation officer.

JUVENILE BOARD GUIDE

- Juvenile Board defined – “Juvenile board” (herein board or juvenile board) means a body established by law to provide juvenile probation services to a county. Human Resources Code (herein HRC) Sec. 201.001 (a) (6). A juvenile board is a “specialized local entity”; a separate and independent local governmental entity, not a unit of county government, as provided in Local Government Code Sec. 140.003 (a) (2). See Att’y Gen. Op. No. DM-460(1997).
- Enabling Legislation – Basic law creating juvenile boards across the state is found at HRC Chapter 152, Subchapters A-D. Many counties have passed state legislation allowing deviation from the general terms of operation and specific counties are listed in alphabetical order at HRC Sec. 152.0071-152.2571.
- Juvenile Board Responsibilities and Compliance – The basic responsibilities of the juvenile board are spelled out in the Texas Administrative Code, Title 37, Part 11, Ch. 341 at Sec. 341.2-341.3. These rules cover the requirements for hiring a chief administrative officer and the related responsibilities and functions of the juvenile probation department and the chief administrative office via adoption of written personnel and department policies and procedures.
- Juvenile Board Law and Requirements
- Suitability of Juvenile Court Facilities -- Family Code (herein FC) Sec.51.05 (b) requires annual reporting by the juvenile board re suitability of juvenile court facilities and recommendations for improvements.
- Designation of Juvenile Court – FC Sec. 51.04(b) requires the juvenile board designate juvenile courts.
- State Funding for Juvenile Board – Annual state aid to the juvenile board and related provisions for continued eligibility by the county is found at HRC Sec. 223.001-223.005. The annual execution of the State Financial Assistance Contract and the passage of a formal resolution are the basic steps that authorize the juvenile board to receive and spend its share of state funds appropriated to the Texas Juvenile Justice Department (herein TJJD) by the legislature.
- Budget Preparation – The juvenile board shall prepare a budget for the juvenile probation department and other facilities and programs under the jurisdiction of the board. HRC Sec. 152.0012 See “Budget Considerations” herein.
- Record Keeping -- HRC Sec. 221.007, FC Sec. 58.105 and FC Sec. 59.011 requires the juvenile board keep and submit records deemed necessary by TJJD.
- Inspection and Certification of Facilities – Annual juvenile board personal inspection of all public and private pre-adjudication and post-adjudication secure and nonsecure juvenile facilities within the county is required by FC Secs. 51.12(c), 51.125(b) and 51.126(b).
- Informal Disposition and First Offender Programs – FC Sec. 52.032 requires the adoption of first offender and informal disposition guidelines for police agencies within the county by the cooperative efforts of the juvenile board and each law enforcement agency.
- Inspections and Audits by TJJD -- HRC Sec. 221.008 allows inspections and audits by the TJJD of the juvenile board, probation department and facilities to determine compliance with the board’s rules.
- Complaints Against Juvenile Board -- HRC Sec. 221.010 governs complaints and procedures for investigation of complaints filed with TJJD relating to a juvenile board.
- Pre-trial Detention Policy for Discretionary Transferred Youth – The juvenile board must establish a policy for detention of youth transferred to criminal court via FC Sec. 54.02 and Sec. 51.12 in accord with HRC Sec. 152.0015. Appointment of Attorney Plan – The board shall adopt an indigent defense plan for juveniles that recognize varying degrees of experience and qualifications to meet the individual needs of the child. FC Sec. 51.102
- Destruction of Juvenile Records Audit – The board shall conduct an annual audit of the records of all law enforcement agencies to verify the destruction of photos and fingerprints as certified by law enforcement. FC Sec. 58.001, 58.002(a) and (c).
- Open Meetings Act -- Government Code(herein GC),Chapter 551 provides that the public must be allowed to attend any juvenile board meeting with the exception of executive sessions and must be given notice of the date, time, place and subject of the meeting. An agenda must be posted at least 72 hours before the scheduled meeting and no later than 2 hours for emergency meetings of urgent public necessity. A quorum of the juvenile board must be present in order to carry out business and vote. Board members must be present at the meeting in order to deliberate and vote and may not vote by proxy. GC Sec. 551.005 requires each member of the board complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body re Open Meetings Act not later than the 90th

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- Human Resources Code
- Local Govt. Code
- Admin. Code
- Family Code
- Government Code
- Attorney General Opinions

DUTIES OF THE JUVENILE BOARD

ANNUAL DUTIES

- The juvenile board has certain recurring annual duties.

DUTY TO ESTABLISH THE LOCAL JUVENILE JUSTICE SYSTEM

- The juvenile board has specific mandates to make decisions about which courts, facilities and offices will handle juvenile offenders.

DUTY TO DESIGNATE OFFICES AND OFFICIALS

- The juvenile board must designate which person or entity should be the recipient of referrals, notices, reports and other official functions.

DUTIES OF THE JUVENILE BOARD

POLICY MAKING AUTHORITY

- The juvenile board may be required to adopt orders, resolutions or guidelines concerning the provision of services and operations.

APPOINTMENT OF PERSONNEL AND SALARY

- The juvenile board may designate employee titles and set salaries.

PERFORM FISCAL AND BUDGETARY FUNCTIONS

- The juvenile board shall adopt a budget, enter into contracts and establish financial policies for services within its jurisdiction.

DUTIES OF THE JUVENILE BOARD

REPORTING AUTHORITY

- The juvenile board is responsible for maintaining important system records and submitting reports required by law or by contract.

CERTIFICATION AND SUITABILITY

- The juvenile board designates and certifies places of detention and determines whether the facility is suitable for the care and custody of children.

DUTIES OF THE JUVENILE BOARD

LEGAL AND STANDARDS COMPLIANCE

- The juvenile board must ensure compliance with agency standards and other federal and state laws.

GOVERNMENTAL ENTITY ACCOUNTABILITY

- The juvenile board must adhere to laws affecting a governmental body such as the Open Meetings Act and Public Information Act.

ATTORNEY GENERAL OPINIONS

The juvenile board is a “specialized local entity” as specifically enumerated in Local Govt. Code Sec. 140.003(a) and is not a unit of county government.

Regulation; including compliance audits of the juvenile probation department and board, is the responsibility of the TJJD and not the commissioners court; consequently the juvenile board and not the commissioners court has authority over the employment decisions , travel policies and general management and financial decisions for the juvenile probation services within the county. See HRC Sec. 142.002(a) and Tex.Att’y Gen. Op. No. JC-0085

Attorney General Dan Morales addressed juvenile funding in the following manner; “Local Government Code Sec. 111.094 gives a commissioners court only the authority to set the dollar amount of the county funds which it will expend on the juvenile probation department. The commissioners court does not have supervisory authority over the juvenile board, an independent entity, and thus, the commissioners court’s role in the budgeting of the juvenile probation department is limited to setting the dollar amount of county funds in the department’s budget and reviewing that portion of the budget on an abuse of discretion standard.....the statutes do not give the commissioners court authority to determine how the funds are to be expended.” See Tex. Att’y Gen. Op. No. DM-460 (December 17, 1997)

PART II: CONSIDERATIONS & DISCUSSION



THE JUVENILE BOARD CHAIR'S PRIMARY RESPONSIBILITY

—
LEAD THE BOARD,
NOT THE
DEPARTMENT

-
- The Chair's responsibility is to ensure that the Board governs effectively—not to manage daily operations.
 - Lead governance
 - Protect the Board's integrity
 - Build consensus
 - Hold leadership accountable
 - Keep the Board focused on its mission
 - Remember:
 - Govern. Don't Manage.

KNOW WHICH HAT YOU'RE WEARING

- A Juvenile Board Chair wears multiple hats:



Judge



Board Chair



Public Official



Community Leader

- Each role has different responsibilities.
- Ask yourself:
 - "Am I acting as a judge—or as the Chair of a governing board?"

YOUR MOST IMPORTANT RELATIONSHIP IS WITH THE DIRECTOR/CHIEF

- The Chair sets the tone.
- An effective Chair:
 - Builds trust
 - Communicates regularly
 - Avoids surprises
 - Holds the Director/Chief accountable
 - Doesn't micromanage
- The Director/Chief should never wonder where the Chair stands.

THE CHAIR SETS THE CULTURE

- Culture starts at the top.
- Promote:
 - Transparency
 - Professionalism
 - Respect
 - Accountability
 - Collaboration
 - Courage to ask difficult questions
- Culture determines how the organization responds when no one is watching.

GOVERNANCE IS ASKING THE RIGHT QUESTIONS

- The Chair doesn't need every answer.
- The Chair needs to ask the right questions.
- Examples:
 - What risks are emerging?
 - What are we missing?
 - What trends concern us?
 - What happens if we do nothing?
 - What keeps the Director/Chief awake at night?

THE BIGGEST LANDMINES

- Avoid these common mistakes:
- Micromanaging staff
- Acting independently instead of collectively
- Violating the Open Meetings Act
- Overusing executive sessions
- Ignoring warning signs
- Allowing politics to drive decisions
- Failing to prepare for meetings
- Waiting for a crisis before asking questions

DIFFICULT CONVERSATIONS CANNOT BE AVOIDED

Every Chair will eventually face:

- Director/Chief performance
- Board conflict
- Budget reductions
- Staff misconduct
- Commissioner disagreements
- Facility crises
- Litigation
- Media scrutiny

Leadership is measured by the conversations you are willing to have.

BUILD RELATIONSHIPS BEFORE YOU NEED THEM

The Chair should have strong working relationships with:

- Commissioners Court
- County Judge
- County Administrator
- County Auditor
- County Attorney
- District Attorney
- Sheriff's Office
- TJJJ
- Community Partners

Relationships built during calm weather sustain the Board during storms.

WATCH FOR WARNING SIGNS

- The best Chairs identify problems before they become crises.
 - Pay attention to:
 - High staff turnover
 - Vacancies
 - Overtime
 - Employee morale
 - Youth grievances
 - Litigation

WARNING SIGNS – CON'T

- Escapes
 - Suicides
 - Use of force
 - PREA findings
 - Audit findings
 - Budget overruns
-
- One incident may be an exception.
A pattern demands governance.

DURING A CRISIS

The Chair should:

- ✓ Protect youth
- ✓ Protect staff
- ✓ Protect the integrity of the investigation
- ✓ Protect public trust
- ✓ Protect the Board

The Chair should not become the incident commander.

The Director/Chief manages the crisis.

The Board governs through the crisis.

WHAT GREAT CHAIRS DO

Listen more than they speak.

Ask more than they tell.

Build consensus.

Encourage respectful disagreement.

Keep discussions strategic.

Prepare thoroughly.

Stay calm under pressure.

Leave ego at the door.

THE CHAIR'S LEGACY

At the end of
your service,
people will not
remember:

How many meetings you chaired.
How long the agendas were.
How many motions passed unanimously.

They will
remember:

Whether you earned trust.
Whether you protected children.
Whether you supported your Director/ Chief.
Whether you led with courage.
Whether you strengthened the juvenile justice system.

TEN LEADERSHIP PRINCIPLES FOR EVERY JUVENILE BOARD CHAIR

- Lead with integrity.
- Govern—don't manage.
- Know your statutory authority.
- Protect the Board's credibility.
- Build trust with the Director/Chief.
- Cultivate relationships before conflict arises.
- Ask hard questions early.
- Address problems before they become crises.
- Keep children and public trust at the center of every decision.
- Leave the Board stronger than you found it.

CLOSING

"A successful Juvenile Board Chair is not measured by the absence of conflict, but by the wisdom to navigate it, the courage to confront it, and the integrity to lead through it. The Chair's greatest responsibility is to ensure that every decision reflects sound governance, accountability, and an unwavering commitment to the youth and families entrusted to the juvenile justice system."

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Thank you!