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HOUSE BILL 4451

Dear Members of the Committee,

Thank you for allowing me the opportunity to submit written testimony in support of House Bill 4451 by Representative McReynolds, which would allow mentally ill and/or mentally retarded youth who have been discharged from the Texas Youth Commission (TYC) due to their disability to be eligible for Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) services, and would enhance continuity of care services for mentally ill and developmentally delayed youth on TYC parole.

PROBLEM

As the law currently stands, TYC has the option of discharging a youth who is found to be incapable of completing the rehabilitation program as a result of his or her mental illness or mental retardation. Because of an oversight in the drafting of a bill that was passed 10 years ago, these youth who have the highest need for mental health services upon release – who are, in fact, discharged in order to get those services – are not eligible for mental health services through TCOOMMI.

Unlike youth who have been discharged from TYC, youth on TYC parole *are* eligible for mental health services through TCOOMMI, but because of another unintended loophole in the law, they are often cut off from those services before they reach the end of their parole term. For example, a youth on TYC parole who is 16 years old, and who is receiving mental health services through TCOOMMI, may not finish his or her parole until s/he turns 19. Under current law, s/he becomes an “adult” at the age of 17 for purposes of receiving mental health services. Unless s/he has one of three mental health diagnoses, s/he will no longer be eligible for mental health services through TCOOMMI at age 17, even though s/he will remain on parole for two more years. Youth in this situation are required under their parole conditions to receive mental health treatment, but the law is drafted in such a way that keeps them from getting those services.

Without necessary treatment, juvenile offenders with mental health needs are more likely to re-offend and return to the juvenile justice system.¹

FACTS

- In fiscal year 2008, 36% of new arrivals to TYC were chemically dependent, 32% had serious mental health problems, and 10% had family members with mental impairments.²
- In the past two years, TCOOMMI has provided services for 4,405 seriously mentally ill juveniles on county probation, and 2,845 seriously mentally ill juveniles on TYC parole.³
- In the same two years, only 84 youth received mental health discharges from TYC, but because of the oversight in the law, none of them were eligible for TCOOMMI services.⁴

SOLUTION: SUPPORT H.B. 4451 BY REPRESENTATIVE MCREYNOLDS

- **H.B. 4451 provides immediate access to needed services for youth with serious mental illness and/or mental retardation who are discharged from TYC custody, and it enhances access to such services for paroled youth until they have completed their TYC parole.**

Again, thank you for this opportunity to present written testimony to the Committee. I hope that you will support H.B. 4451.

citations on reverse side

¹ Kathleen R. Skowrya & Joseph J. Cocozza, *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System*, National Center for Mental Health and Juvenile Justice (2007), available at <http://www.ncmhjj.com/Blueprint/pdfs/Blueprint.pdf>; Jennifer A. Rosenblatt, Abram Rosenblatt, & Edward E. Biggs, *Criminal Behavior and Emotional Disorder: Comparing Youth Served by the Mental Health and Juvenile Justice Systems*, 27 J. BEHAV. HEALTH SERVS. & RES. 1094-3412 (2006); David M. Altschuler & Rachel Brash, *Adolescent and Teenage Offenders Confronting the Challenges and Opportunities of Reentry*, 2 YOUTH VIOLENCE AND JUV. JUSTICE 72-87 (2004).

² Texas Youth Commission, *Youth Demographics at a Glance*, in Annual Report, Fiscal Year 2008, available at http://www.tyc.state.tx.us/research/youth_stats.html.

³ Texas Correctional Office on Offenders with Medical or Mental Impairments, *TCOOMMI Biennial Report, 2009*, available at http://www.tyc.state.tx.us/programs/special_treat.html#mental.

⁴ Telephone interview with Will Harrell, Office of the Independent Ombudsman, Texas Youth Commission (March 31, 2009).