



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 30, 1992

Mr. Frank Madden  
Cherokee County Auditor  
Cherokee County Courthouse  
Rusk, Texas 75785

Letter Opinion No. 92-3

Re: Whether a juvenile may be held in a detention facility outside the county (ID# 14879)

Dear Mr. Madden:

We are in receipt of your letter of February 5, 1992, requesting an opinion regarding whether the judge of a county court-at-law may order a juvenile to be held in a detention facility located outside the county if there are no juvenile detention facilities in the county. Section 41.007, Government Code, requires a county auditor who seeks an opinion from this office to first submit his request to his county or district attorney. In light, however, of the straightforward nature of your question and the clear answer, we can assist you with this informal opinion.

Section 51.12(e) of the Family Code provides, with regard to the "place and conditions of detention" of juveniles:

(e) If there is no certified place of detention in the county in which the petition is filed, the designated place of detention may be in another county.

Clearly, therefore, if there are not juvenile detention facilities in the county, Cherokee County is authorized to contract with Angelina County to house its juvenile detainees in the latter's juvenile detention facility. The same statute requires, in subsection (c), that "in each county, the judge of the juvenile court and the members of the juvenile board shall" inspect their county's juvenile detention facilities "at least annually and shall certify in writing" that such facilities "are suitable or unsuitable for the detention of children" in accordance with particular standards. You indicate that the Angelina County facility "is annually certified pursuant" to this provision.

So long as the requisite authorities in Cherokee County are satisfied that the detention facility for which it contracts is certified in accordance with section 51.12, it is clear that a judge in Cherokee County may order a juvenile detainee to be held in that facility. It would be appropriate for the juvenile board of Cherokee County to take note of such certification at a future meeting, and to include a requirement of annual certification in any future contracts with Angelina County.

**S U M M A R Y**

A judge in Cherokee County is empowered to order a juvenile to be held in a facility in Angelina County.

Very truly yours,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/mc

Ref.: ID# 14879