



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

May 18, 1993

Honorable Bill Moore  
Johnson County Attorney  
1st Floor Courthouse  
2 North Main Street  
Cleburne, Texas 76031

Letter Opinion No. 93-38

Re: Authority of a juvenile court to designate county space as a juvenile processing office, pursuant to section 52.025 of the Family Code (ID# 19119)

Dear Mr. Moore:

You have requested an opinion construing title 3, section 52.025 of the Texas Family Code. You advise us that in January of this year, the Johnson County Juvenile Court designated a room at the Johnson County Juvenile Detention Center as the juvenile processing office for Johnson County. Since that time, the court and your office have received inquiries from police agencies within the county requesting designation as juvenile processing offices. In response to these requests, you specifically ask the following:

1. Pursuant to Section 52.025 of the Texas Family Code, may a juvenile court designate an office or a room as a juvenile processing office in each police facility and/or sheriff's office within that court's jurisdiction, or may only one such facility hold that designation?
2. May more than one room or office within a police facility or sheriff's office be designated as the juvenile processing office?

We conclude that both of your inquires may be answered affirmatively.

Senate Bill 1230 clarified sections 52.02, 53.01 and 53.02 of the Family Code. The legislation added provisions allowing law enforcement officials to detain children suspected of committing minor offenses for up to 48 hours and to deliver such children to the Texas Department of Human Services if officials were unable to locate a responsible adult within that time. Thus, title 3, section 52.025(a) of the Texas Family Code provides:

The juvenile court may designate an office or a room, which may be located in a police facility or sheriffs' offices, as the juvenile processing office for temporary detention of a child taken into

custody under Section 52.01 of this code. The office may not be a cell or holding facility used for detentions other than detentions under this section. The juvenile court by written order may prescribe the conditions of the designation and limit the activities that may occur in the office during the temporary detention.

Fam. Code § 52.025(a).

Senate Bill 1230 was presented in response to *Comer v. State*, 776 S.W.2d 191 (Tex. Crim. App. 1989). *Comer* involved a juvenile defendant who was arrested at his home for the felony murder of an elderly couple. Following his arrest, the juvenile was transported to the magistrate's home to be admonished. Next, he was taken to the sheriff's department where he provided a full written confession. Officers then transported the juvenile back to the magistrate where he signed the confession and was placed in detention. The entire process spanned a three hour period. The court reversed the conviction, holding that the process in which the confession was taken violated title 3 of the Family Code and opined that title 3 was designed to "avoid the 'taint of criminality' inherent in [the] interrogation conducted at the unsupervised discretion of law enforcement officers." *Comer*, 776 S.W.2d at 19.

In enacting title 3 of the Family Code, the legislature intended to effectuate certain public policies. Among them are the desire to achieve the purposes of the title in a family environment whenever possible and to "provide a simple judicial procedure through which the provisions of this title are executed and enforced." Fam. Code § 51.01(4), (5). Although section 52.025 refers to the designation and use of "an office" or "a room," or "the office" we believe that the intent to expedite the process while maintaining a specific type of atmosphere support the conclusion that a juvenile court may designate an office or a room, or more than one of each, as a juvenile processing office in each police facility and sheriff's office within the court's jurisdiction.<sup>1</sup>

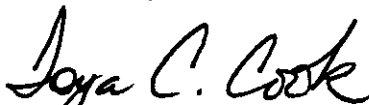
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<sup>1</sup>Furthermore, we note that there are potential policy concerns which would lead us to the same conclusion. For example, it would be imprudent to hold juveniles who are members of opposing gangs within the same room. Similarly, overcrowded conditions which could result from the use of a single room or office within the facility pose a potential danger to the juveniles in custody, as well as law enforcement personnel.

**S U M M A R Y**

Title 3 of the Family Code does not preclude a juvenile court from designating more than one office or room as a juvenile processing office in each police facility and sheriff's office within the court's jurisdiction.

Yours very truly,

A handwritten signature in cursive script that reads "Taya C. Cook".

Taya C. Cook  
Assistant Attorney General  
Opinion Committee