

EXAM SPECIFICATIONS FOR JUVENILE LAW

PURPOSE OF THE EXAM. The purpose of the certification exam is to require an applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in juvenile law.

EXAM FORMAT. The exam consists of a three-hour morning session with three essay questions each worth 100 points and a three-hour afternoon session with 100 multiple choice questions (10 of which involve professional ethics) each worth 2 points. The required passing score is **350**. The essay portion of the exam may be taken by laptop (supplied by the examinee) or by writing. Answers to the multiple choice questions will be documented by the applicant on a scantron answer sheet supplied by TBLS.

EXAM GRADING. All exam materials are confidential and not available for review. Essay answers are graded anonymously and identified only by an assigned examinee number. Multiple choice answers are computer graded. Successful examinees are notified that they passed but are not provided with the specific score. Unsuccessful examinees are notified of the exam score. Exams that score 10 points below the passing grade are automatically regraded. Exam results are final.

ESSAY QUESTIONS. Essay questions consist of a fact pattern followed by a series of questions (usually 4-6) for an applicant to answer. Essays are designed to require an applicant to recognize and analyze issues in the fact pattern and explain how those issues should be resolved. The fact patterns will involve situations you would likely encounter in your practice. Essays typically involve permissible juvenile detention, court proceedings (both trial and pre-trial) charging unlawful conduct, and the appropriate methods for adjudicating and disposing of these proceedings. Applicants should make sure to provide the specific information each question asks for and to communicate as clearly as possible. An organized, clearly written answer using complete sentences will almost always receive a higher score than a choppy, disorganized one. In order to pass the exam, applicants must be able to clearly express answers in a manner that would be persuasive to the decision-maker in a case.

MULTIPLE CHOICE QUESTIONS. These questions are designed to test a breadth of issues in the specialty area and require an applicant to select the **best** available answer option.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES. An applicant in juvenile law is expected to understand all aspects of judicial and administrative proceedings related to delinquent conduct by individuals between the ages of ten and seventeen. This includes judicial proceedings alleging unlawful conduct as well as administrative proceedings involving the discipline of individuals within this age group. The knowledge, skills, and abilities required of a juvenile law applicant are set out below.

NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM UNLESS OTHERWISE SPECIFIED.

1. Age Limits in the Juvenile Justice System 2. Criminal Violations, Delinquent Conduct and Conduct Indicating a Need for Supervision 3. Juvenile Arrests, Searches, and Authorized Dispositions

- a. Arrests and Investigatory Stops
- b. Searches
- c. Informal Disposition and First Offender Programs
- d. Authorized Permanent Dispositions, Juvenile Processing Offices, Places of Non-Secure Custody and Juvenile Curfew Processing Offices

4. Juvenile Statements and Waivers of Rights

- a. Waivers under Section 51.09
- b. Statements under Section 51.095
- c. Restrictions on Polygraphing Juveniles
- d. Parental Access

5. Juvenile Detention

- a. Police Detention
- b. Detention Hearing: Scheduling and Notice
- c. Detention Hearing: Procedures
- d. Detention Hearing: Probable Cause
- e. Detention and Release Criteria
- f. Conditions of Release
- g. Detention Orders and their Review
- h. Restrictions on Detention of Status Offenders
- i. Juvenile Court Designation of Places of Detention and Police Custody
- j. Certifying Places of Detention

6. Pre-Trial Proceedings in Juvenile Court

- a. Notice of Hearings
- b. Time for Counsel to Prepare
- c. Time Requirements for Setting Hearings
- d. Right to a Speedy Trial
- e. Discovery in Juvenile Cases

7. Right to Counsel and Guardian Ad Litem

- a. The Constitutional Requirement of Counsel
- b. Family Code Right to Counsel
- c. Waiver of Counsel under the Family Code
- d. Notice of Right to Counsel
- e. Guardian Ad Litem

8. Petition, Summons and Service

- a. Requirements of the Petition
- b. Requirements of the Summons
- c. Service of the Petition and Summons

9. Certification as an Adult

- a. Eligibility to Be Transferred
- b. The Required Study, Evaluation and Investigation
- c. The Transfer Hearing
- d. Transfer Findings and Order
- e. Transferring Fewer Than All Offenses Alleged
- f. Mandatory Transfer
- g. Post-Transfer Proceedings

10. The Adjudication Hearing

- a. The Requirement of an Adjudication Hearing
- b. The Judicial Admonitions Required
- c. Trial by Jury
- d. Proof of Delinquency or CINS

11. Dispositional Powers and Procedures

- a. The Social History Report
- b. The Requirement of a Need for Disposition
- c. Findings Required for Placement or Texas Juvenile Justice Department Commitment
- d. Dispositional Powers
- e. Specific Statement of Reasons
- f. Progressive Sanctions Guidelines
- g. Sex Offender Registration
- h. Parental Rights and Responsibilities

12. Modification of Dispositions

- a. Petition and Notice Requirements
- b. Proving a Probation Violation
- c. Texas Juvenile Justice Department Commitments as Modifications
- d. The Modification Hearing
- e. Statement of Reasons

13. Mental Illness or Retardation (Intellectually Disabled) Proceedings

- a. The Initial Evaluation
- b. Proceedings in Mental Illness (Intellectually Disabled) Cases
- c. Proceedings in Fitness to Proceed Cases
- d. Proceedings in Lack of Responsibility for Conduct Cases
- e. Mentally Ill and Retarded (Intellectually Disabled) Children in the Texas Juvenile Justice Department

14. Determinate Sentencing Proceedings for the Violent or Habitual Offender

- a. Initiating Proceedings
- b. Adjudication Proceedings
- c. Special Disposition Hearing
- d. Probation
- e. Parole, Discharge and Transfer
- f. After Transfer to the Department of Criminal Justice

15. Access to and Confidentiality of Juvenile Records and Proceedings

- a. Use of Juvenile Record in Other Proceedings
- b. Confidentiality of Juvenile Court Proceedings
- c. Records Not Part of the Juvenile Justice Information System
- d. Fingerprints and Photographs
- e. Statewide Juvenile Justice Information System
- f. Gang Records
- g. Sex Offender Registration Records

- h. DNA Records
- i. Destruction and Sealing of Files and Records
- j. Communicating Information to Schools

16. Post-Adjudication and Post-Conviction Remedies

- a. Direct Appeals
- b. Collateral Attacks

17. Evidence and Criminal Procedure

- a. Texas Rules of Evidence
- b. Statutory Basis for the Laws of Arrest
- c. Depositions and Discovery in Criminal Cases
- d. Sex Offender Registration

18. Adjudication of Juveniles in Municipal or Justice Court

- a. Taking into Custody
- b. Jurisdiction of Municipal or Justice Court in Juvenile Cases
- c. Chapter 45 Code of Criminal Procedure
- d. Dispositional Powers and Procedures
- e. Court Records and Expunction
- f. Truancy and Failure to Attend Violations
- g. Alcohol and Tobacco Violations

19. Ethics

- a. Special Obligations in a Juvenile Case
- b. The Texas Disciplinary Rules of Professional Conduct. The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.

SKILLS.

An applicant must demonstrate the ability to:

- Communicate effectively and persuasively to clients, counsel and courts
- Develop and evaluate strategies for solving a problem or accomplishing an objective
- Analyze and apply legal rules and principles
- Analyze, sort and use facts; plan and direct factual investigations
- Organize and manage a legal task efficiently within time constraints
- Represent a client consistent with applicable ethical standards
- Invoke and utilize the procedures normally required in the specialty area, including pleadings and filings