

WHAT TO DO IF MY CHILD IS DETAINED

A Texas Parent's Quick-Action Guide

THE FIRST FEW HOURS MATTER

A detention is not an adjudication of guilt. Texas law gives juveniles specific procedural protections, but deadlines move quickly. Focus on counsel, safety, and preserving information.

DO THESE THINGS NOW

1. Find out where your child is being held.

Ask for the facility name, the juvenile probation/intake contact, the alleged offense, and any referral or case number available.

3. Tell your child not to discuss the facts of the case without counsel.

Your child should be polite and comply with lawful safety instructions, but should not try to explain, defend, or 'clear things up' about the allegation before speaking with a lawyer.

5. Immediately report medical, medication, mental-health, disability, or suicide-risk concerns.

Give accurate medication names, dosages, diagnoses, allergies, treating-provider information, and any urgent safety concerns to the facility and the lawyer.

7. Gather records your lawyer may need.

Bring school records, IEP/504 documents, prior evaluations, medical/mental-health records, probation paperwork, prior court papers, and a concise timeline of what happened.

2. Get a juvenile-defense lawyer involved immediately.

A child has the right to counsel at key stages, including detention proceedings. If the family is indigent, court-appointed counsel may be available.

4. Ask when the detention hearing will occur.

Generally, it must be held promptly and no later than the second working day after custody; a Friday or Saturday detention generally requires a hearing on the first working day afterward.

6. Preserve evidence - do not create new problems.

Save texts, videos, social-media content, location data, school notices, and names of witnesses. Do not delete content, coach witnesses, contact an alleged victim, or post about the case online.

WHAT THE DETENTION HEARING DECIDES

Texas law starts with release.

The judge must release the child unless statutory grounds support continued detention, such as risk of absconding, lack of suitable supervision, danger to self/public, or specified prior history.

The hearing is not the trial.

A later adjudication determines whether the allegation is true. The State must prove delinquent conduct beyond a reasonable doubt.

WHAT PARENTS SHOULD KNOW NEXT

DO

- Stay calm and write down names, times, and what you are told.
- Give counsel complete information, including facts that may be unfavorable.
- Promptly identify medications, disabilities, IEP/504 plans, mental-health history, and special needs.
- Keep all court, intake, school, and probation paperwork.
- Ask counsel whether diversion, deferred prosecution, release conditions, or mental-health procedures may apply.

DON'T

- Do not tell your child to lie, hide evidence, delete messages, or coordinate stories.
- Do not contact an alleged victim or the victim's family to 'work it out' without legal advice.
- Do not assume a school interview, probation interview, or facility call is private.
- Do not post the accusation, witness accounts, videos, or defense theory on social media.
- Do not assume a juvenile record simply disappears at age 18; sealing rules have eligibility requirements.

MENTAL HEALTH, IDD, AND DEVELOPMENTAL NEEDS

A diagnosis does not automatically stop a juvenile case. But if mental illness or intellectual disability prevents a child from understanding the proceedings or assisting in the defense, Texas Family Code Chapter 55 provides a fitness-to-proceed process that can stay the case while the issue is evaluated. Secure facilities also must perform mental-health screening after admission under current TJJD standards.

THE CASE MAY MOVE THROUGH THESE STAGES

1	2	3	4	5	6	7
Custody / Referral	Intake & Release or Detention	Detention Hearing	Prosecutor Review / Petition / Possible Diversion	Adjudication	Disposition	Later Record-Sealing Review

SERIOUS CASES REQUIRE EARLY STRATEGY

Determinate-sentence cases

Certain serious offenses can carry determinate sentences with statutory maximums of 10, 20, or 40 years, depending on the offense, if the statutory process is used.

Transfer to adult criminal court

For qualifying felonies and age ranges, a juvenile court may consider waiver of jurisdiction and discretionary transfer after investigation and a hearing. This is not automatic.

YOUR CHILD'S CASE IS FACT-SPECIFIC

The charge, age at the time of the alleged conduct, prior history, detention facts, school setting, statements, mental-health needs, and local juvenile-board practices can change the analysis. Get case-specific advice early.

Legal framework reviewed

Texas Family Code Title 3, including §§ 51.02, 51.10, 51.095, 51.12, 52.01-.03, 53.01-.03, 53.045, 54.01-.04, Chapter 55, and Chapter 58; 37 Tex. Admin. Code, Part 11, including Chapter 343 (secure juvenile facilities; current 4/1/26 revision).

Last reviewed: September 2026. This guide is general educational information, not legal advice, and does not create an attorney-client relationship. Statutes, rules, local policies, and case law can change.