

Chapter: Internal Reporting and Incident Response	Effective Date: 10/1/16
Title: Reporting Procedures--Death of a Youth	Page: 1 of 3
ACA: 4-JCF-4C-43 3-JCRF-4C-27	Replaces: GAP.385.9951, 4/26/04 (Mgmt. Requirements Only)
Implements: GAP.385.9951	
Statute: Code of Criminal Procedure Art. 49.18	

(a) **Policy.**

Staff members provide prompt, respectful assistance to the family and complete all required documentation in the event of a youth's death.

(b) **Applicability.**

This policy applies to all youth committed to the Texas Juvenile Justice Department (TJJD), regardless of placement.

(c) **Definitions.**

Residential Facility - a high-restriction or medium-restriction facility.

(d) **General Provisions.**

- (1) The death of a youth must be reported as a critical incident in accordance with [GAP.07.03](#).
- (2) If a youth dies while assigned to a TJJD-operated or contract-care residential facility, the Critical Incident Review Committee must review the incident in accordance with [GAP.07.07](#).
- (3) If a youth dies while assigned to a TJJD-operated residential facility, the TJJD medical director convenes a Morbidity and Mortality Committee as required by [HSP.01.09](#).
- (4) Criminal and/or administrative investigations are conducted as required by [GAP.385.9951](#).

(e) **Procedures for a Death Occurring in a TJJD-Operated or Contracted Residential Facility.**

Procedures in this section apply to the death of a youth who, at the time of death, was assigned to a TJJD-operated or a contract-care residential facility, regardless of whether the youth was on institutional status or parole status.

(1) **Notifying the Family.**

The **superintendent** (for TJJD facilities) or **contract case management supervisor** (for contract-care facilities) coordinates the notification process. The notification must occur as soon as possible after basic information about the incident is known.

- (A) Whenever possible, the **highest-level staff member who is reasonably close to the home of the youth's parent/guardian** (e.g., director, superintendent, contract case management supervisor, parole supervisor) notifies the youth's parent/guardian in person.
- (B) If in-person notification is not possible, the **superintendent** or **contract case management supervisor**:
 - (i) notifies the parent/guardian by phone; or
 - (ii) ensures that another appropriate staff member notifies the parent/guardian by phone.

(2) **Assisting the Family.**

- (A) The **superintendent** or **contract case management supervisor** designates an appropriate staff member (e.g., chaplain, family liaison) to assist the family through the time of the funeral.
- (B) The **designated staff member** contacts the parent/guardian after the initial notification has been made and offers assistance with returning the youth's belongings, making funeral and burial arrangements, and any other appropriate matters.
- (C) If the parent/guardian is unwilling or unable to pay for a funeral and/or burial, the **designated staff member**:
- (i) determines if other sources of payment (e.g., social security or veteran's benefits) are available;
 - (ii) makes arrangements for TJJJ to pay for the funeral/burial if no other sources of payment are available;
 - (iii) attempts to consult with the parent/guardian about the selection of services, casket, and place of burial, regardless of the family's ability to pay; and
 - (iv) if the family refuses to cooperate, makes all arrangements and documents the refusal by an email to the superintendent or contract case management supervisor. The email is filed in the youth's masterfile.
- (D) The **senior director of state programs and facilities** or designee ensures the parent/guardian is provided a copy of the completed administrative investigation report.

(3) **Completing the Custodial Death Report.**

After the death of a youth in a TJJJ-operated or contract-care residential facility:

- (A) the **chief inspector general** or designee completes the Custodial Death Report and sends it to the general counsel and to the senior director of state programs and facilities;
- (B) the **general counsel** or designee reviews the report, requests any necessary clarifications, and sends it to the executive director for final approval; and
- (C) within 30 days after the death of the youth, the **executive director** or designee submits it to the Office of the Attorney General with a copy to TJJJ board members.

(4) **Closing Out the Youth's Records.**

The **chief local administrator** or **contract case management supervisor** ensures:

- (A) an [Incident Report, CCF-225](#), is completed within one workday after the death;
- (B) any open Program Services (CCS 120) codes are closed and a [Discharge Report, CCF-190](#), is completed within one workday after the death; and
- (C) the death certificate, autopsy report (if available), and any other related documentation is filed in the youth's masterfile.

(f) **Procedures for the Death of a Youth in a Home Placement or in a Non-TJJJ Placement.**

Procedures in this section apply to the death of a youth who, at the time of death, was:

- assigned to a home placement on parole or on conditional placement; or
- on parole but placed in a facility that is not operated by TJJJ or under contract with TJJJ (e.g., state hospital).

- (1) The **parole supervisor or designee**:
 - (A) requests appropriate documentation verifying the youth's death and files it in the youth's masterfile; and
 - (B) reports the death as a serious incident in accordance with procedures in [GAP.07.03](#); and
 - (C) completes a [CCF-225](#) within 24 hours after learning of the incident.
 - (2) The **parole officer** (or parole supervisor or designee if the youth was on contract parole) completes the following within 24 hours after receipt of the death certificate or other appropriate documentation of a youth's death:
 - (A) closes any open CCS 120 codes; and
 - (B) enters the [CCF-190](#).
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