

Chapter: Rules for State-Operated Programs	Effective Date: 12/1/14
Subchapter: Treatment	
Division: Programming for Youth with Specialized Treatment Needs	Page: 1 of 7
Rule: Specialized Treatment	Replaces: GAP.380.8751, 11/1/11
ACA: 4-JCF-5C-02	
Statute(s): HR Code §244.001	

RULE

(a) **Purpose.**

The purpose of this rule is to establish the process by which youth committed to the Texas Juvenile Justice Department (TJJD) are assessed and treated for specialized treatment needs. The purpose of all provisions in this rule is to promote successful youth reentry and reduce risk to the community by addressing individual specialized treatment needs through programs that are shown to reduce risk to reoffend.

(b) **Definitions.**

Except as indicated in this subsection, see [§380.8501](#) of this title for definitions of terms used in this rule.

- (1) **Intensive Treatment Program**--a high-intensity, residential program in which all youth receiving treatment reside in a common dormitory. Intensive treatment programs are designed to address youth with a high need for specialized treatment. Treatment is delivered by licensed or appropriately trained staff in a milieu that is designed to address the specialized need on a continuous basis.
- (2) **Psycho-educational Program**--a low-intensity education program delivered by appropriately trained staff that is designed to address youth with a low need for specialized treatment.
- (3) **Sex Offense**--a reportable adjudication as defined in Article [62.001](#) of the Texas Code of Criminal Procedure.
- (4) **Mental Health Professional**--see definition in [§380.9187](#) of this title.
- (5) **Short-Term Treatment Program**--a moderate-intensity treatment program involving specialized groups and individual counseling delivered by licensed or appropriately trained staff. Short-term treatment programs are designed to address youth with a moderate need for specialized treatment.

(c) **General Provisions.**

- (1) Youth with one or more specialized needs will have these needs addressed while under TJJD jurisdiction. Some specialized programs may be provided concurrently and others successively. Youth may have specialized needs addressed while in a high or medium restriction facility or on parole based on assessment outcomes, treatment team recommendations, and any necessary administrator approvals.
- (2) If a youth cannot be provided the type(s) of specialized program designated in this rule for his/her assessed need level, the youth will be provided with the most appropriate alternate form of specialized intervention for that treatment need.

(d) **Treatment Planning.**

- (1) Upon admission to TJJD, comprehensive assessments are conducted at the orientation and assessment unit to determine if a youth has any specialized treatment needs and to identify the type of specialized program that is best suited to address those needs. For each youth assessed as having a specialized treatment need, an initial plan documenting all specialized treatment needs and recommended programs is developed before the youth leaves the orientation and assessment unit.
- (2) A comprehensive plan is developed for each youth with specialized treatment needs upon the youth's arrival at his/her initial placement. The plan must:
 - (A) include individually tailored statements regarding treatment goals and objectives;
 - (B) include the tentative sequence and start dates for each specialized program;
 - (C) be developed with input from the youth; and
 - (D) be documented in the youth's individual case plan.
- (3) The sequence and start dates for specialized programs are based on individual youth needs, facility schedules, and program openings, with consideration given to the youth's minimum length of stay or minimum period of confinement.
- (4) The comprehensive specialized treatment plan is reviewed, re-evaluated, and modified in accordance with rules for the review and modification of the individual case plan, as set forth in §380.8701 of this title. The plan is also modified following each reassessment of a youth's specialized treatment needs.
- (5) Specialized treatment needs may be reassessed at any time during a youth's stay in TJJD.

(e) **Specialized Treatment Needs.**

The areas of specialized treatment need are set forth in paragraphs (1) - (6) of this subsection, with each area given priority for placement and treatment based on urgency of need.

(1) **Medical.**

Each youth is provided comprehensive medical and dental examinations. Based on the results of these examinations, each youth is assigned a need level for medical or dental services. Non-compliance with treatment may cause any youth to be designated as higher need than the underlying condition would typically warrant.

- (A) **High Need**--includes youth who require medical, surgical, or dental services of an intense/acute nature. The youth has a serious acute condition, experiences an exacerbation of a chronic medical or dental condition, sustains a serious injury, and/or may require hospitalization. The youth's condition is unstable or unpredictable, and recovery requires 24-hour nursing care or supervision beyond the scope of normal infirmary services. The youth's medical needs, until resolved, take precedence over other therapeutic interventions and temporarily prevent active participation in programming.
- (B) **Moderate Need**--includes youth who are diagnosed with a medical or dental condition that is moderate to serious in severity and that may require frequent access to clinical and/or hospital services for symptom exacerbation.
- (C) **Low Need**--includes youth who are diagnosed with a condition that is mild to moderate in severity and does not require ongoing treatment or monitoring. The youth may be temporarily restricted from an activity due to an accident, injury, or illness of mild to moderate severity.
- (D) **None**--includes youth with no medical or dental diagnosis requiring ongoing attention.

(2) Mental Health.

The mental health assessment is provided by psychology and psychiatry staff through comprehensive psychological and psychiatric evaluation using the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM). Based on this assessment, each youth is assigned a need level for mental health treatment services.

(A) High Need – Level 1.

- (i) This level of treatment need includes youth who:
 - (I) are diagnosed with a mental disorder. As a result of the disorder, there is disorganized, bizarre, and/or grossly inappropriate behavior in one or more of the following areas: social or interpersonal interactions, educational or vocational participation, or the ability to manage daily living requirements;
 - (II) have an assessment of adaptive functioning that is consistent with the level of impairment noted;
 - (III) cannot meaningfully participate in programming until the underlying disorder is stabilized; and/or
 - (IV) are an imminent danger to themselves or others as a result of the mental disorder.
- (ii) This level of impairment is not the result of a Conduct Disorder, Oppositional Defiant Disorder, or similar behavioral disorders and is not the result of intoxication or withdrawal from drugs.
- (iii) Youth with this level of impairment require a protective environment during this phase of the disorder and are treated at an agency-operated crisis stabilization unit or a psychiatric hospital with psychiatric care as the highest priority.

(B) High Need – Level 2.

- (i) This level of treatment need includes youth who:
 - (I) are diagnosed with a mental disorder. As a result of the disorder, there is moderate to severe impairment in one or more of the following areas: social or interpersonal interaction, educational or vocational participation, or the ability to manage daily living requirements despite receiving psychiatric care and clinical support services;
 - (II) have an assessment of adaptive functioning that is consistent with the level of impairment noted; and/or
 - (III) are having a difficult time maintaining stability and program participation despite receiving psychiatric services and local clinical support.
- (ii) This level of impairment is not the result of a Conduct Disorder, Oppositional Defiant Disorder, or similar behavioral disorders and is not the result of intoxication or withdrawal from drugs.
- (iii) Youth with this level of treatment need are placed in an intensive mental health treatment program with structured interventions and enhanced clinical support services in addition to regular psychiatric services.

(C) Moderate Need.

- (i) This level of treatment need includes youth who:
 - (I) are diagnosed with a mental disorder. As a result of the disorder, behavior is mildly impaired by signs and symptoms of the mental disorder in one or more of the following areas: social or interpersonal interaction, educational or vocational participation, or ability to manage daily living requirements with regular psychiatric care and/or psychological intervention;
 - (II) have an assessment of adaptive functioning that is consistent with the level of impairment noted; and/or
 - (III) display symptoms or difficulties with adaptive behavior as a result of abuse or trauma.
- (ii) This level of treatment need is not the result of a Conduct Disorder, Oppositional Defiant Disorder, or similar behavioral disorders and is not the result of intoxication or withdrawal from drugs.
- (iii) Youth with this level of treatment need are placed in an agency facility offering the necessary psychiatric and clinical support. Youth identified with a history of abuse or trauma are offered interventions specific to the trauma to help maintain their ability to function and participate in programming.

(D) Low Need--includes youth who have a psychiatric diagnosis and require only periodic mental health or regular psychiatric services. The assessment of adaptive functioning is consistent with the level of impairment noted.

(E) None--includes youth who have:

- (i) no mental health diagnosis;
- (ii) a mental health diagnosis that is made by history but its influence on the youth's functioning is so mild that it is not a focus of any specialized mental health treatment; or
- (iii) a diagnosis that is in remission without any current treatment intervention.

(3) Intellectual Disability.

The diagnosis of Intellectual Disability is made by a psychology and psychiatry staff based on the results of a culturally validated assessment of cognitive functioning, mental abilities, reasoning, problem solving, abstract thinking, and adaptive behavior as defined in the latest edition of the DSM. Based on this diagnosis, each youth is assigned a need level for intellectual disability services. Youth are assigned to the placement that is best suited to meet the youth's individual treatment needs.

(A) High Need--includes youth diagnosed with Moderate or Severe Intellectual Disability and corresponding deficits in intellectual and adaptive functioning.

(B) Moderate--includes youth diagnosed with mild Intellectual Disability and a co-occurring mental health treatment need of moderate or low.

(C) Low Need--includes youth diagnosed with for mild Intellectual Disability and no co-occurring mental health treatment needs.

(D) None--includes youth who have no diagnosis of Intellectual Disability.

(4) **Sexual Behavior.**

The sexual behavior treatment assessment is provided by a psychologist, mental health professional, or licensed sex offender treatment provider through a clinical interview and an agency-approved juvenile sexual offender assessment instrument. The assessment is provided for youth who have been adjudicated for a sex offense or who have a documented history of sexually inappropriate behavior. Based on this assessment, each youth is assigned a need level for sexual behavior treatment services.

- (A) **High Need**--includes youth who receive an assessment rating of high need for sexual behavior treatment, based on the results of the clinical interview and the agency-approved juvenile sexual offender assessment instrument. Youth with this level of treatment need are assigned to participate in an intensive sexual behavior treatment program.
- (B) **Moderate Need**--includes youth who receive an assessment rating of moderate need for sexual behavior treatment based on the results of the clinical interview and the agency-approved juvenile sexual offender assessment instrument. Youth with this level of treatment need are assigned to participate in a short-term sexual behavior treatment program.
- (C) **Low Need**--includes youth who receive an assessment rating of low need for sexual behavior treatment based on the results of the clinical interview and the agency-approved juvenile sexual offender assessment instrument. Youth with this level of treatment need are assigned to participate in a psychosexual education curriculum.
- (D) **None**--includes youth who have no assessed need for sexual behavior treatment.

(5) **Capital and Serious Violent Offender.**

A psychologist or mental health professional makes a determination of need for capital and serious violent offender treatment for any youth who was found by a court or an administrative parole revocation hearing to have engaged in conduct that resulted in the death of a person, resulted in serious bodily injury to a person, or involved using or exhibiting a deadly weapon, and any youth referred by a psychologist based on a reasonable belief the youth is in need of capital and serious violent offender treatment. The determination is based on the youth's offense history and psychological assessment of the youth's need for specialized treatment intervention.

- (A) **High Need**--youth are assigned to participate in an intensive capital and serious violent offender program.
- (B) **Medium Need**--youth are assigned to participate in a short-term program to address aggression and violent behavior issues.
- (C) **Low Need**--youth are assigned to participate in a psycho-educational anger management supplemental curriculum.
- (D) **None**--includes youth who are assessed as not having a significant risk related to violent offending or behavior.

(6) **Alcohol or Other Drug Treatment.**

Youth identified through a screening process as needing further alcohol or other drug (AOD) assessment are assessed and diagnosed by a psychologist or mental health professional using the latest edition of the DSM. Based on a clinical interview and the results of an agency-approved, comprehensive assessment instrument, each youth is assigned a need level for AOD programming.

- (A) **High Need**--includes youth with a diagnosis of Substance Use Disorder and a high-intensity AOD treatment need based on the results of an agency-approved assessment instrument.

Youth with this level of treatment need are assigned to participate in an intensive AOD treatment program.

- (B) **Moderate Need**--includes youth with a diagnosis of Substance Use Disorder and a moderate-intensity AOD treatment need based on the results of an agency-approved assessment instrument. Youth with this level of treatment need are assigned to participate in a short-term AOD treatment program.
- (C) **Low Need**--includes youth with any identified substance abuse history or risk that does not rise to the diagnostic level of Substance Use Disorder. Youth with this level of treatment need are assigned to participate in a psycho-educational AOD program.
- (D) **None**--includes youth who have no history of substance abuse or risk of use.

(f) **Requirement to Complete Specialized Treatment.**

- (1) This subsection applies only to youth committed to TJJD on or after September 1, 2009, who are assessed as having a high or moderate treatment need in the following treatment areas: Sexual Behavior; Capital and Serious Violent Offender; or Alcohol or Other Drug Treatment. This subsection does not apply to youth assigned to complete psycho-educational supplemental curricula in these treatment areas.
- (2) This subsection does not apply to decisions made by the Release Review Panel under [§380.8557](#) of this title.
- (3) To qualify for transition to a medium restriction placement under [§380.8545](#) of this title, a youth who has been assessed as having a high or moderate need must:
 - (A) complete the assigned specialized treatment program(s) while in a high restriction facility; or
 - (B) be scheduled to begin the assigned specialized treatment program(s) in a medium restriction facility, as documented in the youth's most recent specialized treatment plan. A requirement to complete treatment must be included in the youth's conditions of placement; or
 - (C) as approved by the final decision authority for transition in consultation with the division director over treatment programming or designee, make sufficient progress in the assigned specialized treatment program with a corresponding reduction in risk to allow for the youth to continue the specialized treatment in a medium restriction facility. A requirement to complete treatment must be included in the youth's conditions of placement.
- (4) To earn release to parole under [§§380.8555](#), [380.8559](#), or [380.8569](#) of this title, a youth who has been assessed as having a high or moderate need must:
 - (A) complete the assigned specialized treatment program(s) while placed in the youth's current facility restriction level; or
 - (B) as approved by the division director over treatment programming or designee:
 - (i) be scheduled to begin the assigned specialized treatment program(s) while on parole status, as documented in the youth's most recent specialized treatment plan. A requirement to complete treatment must be included in the youth's conditions of placement or conditions of parole, as appropriate; or
 - (ii) make sufficient progress in the assigned specialized treatment program with a corresponding reduction in risk to allow for the youth to continue the specialized treatment while on parole status. A requirement to complete treatment must be included in the youth's conditions of placement or conditions of parole, as appropriate.

(g) Individual Exceptions.

- (1) The requirement to complete specialized treatment as described in subsection (f) of this section may be waived if the division director over treatment programming or designee determines that the youth is unable to participate in the assigned specialized treatment program or curriculum due to a medical or mental health condition or due to an intellectual disability.
- (2) Each youth's individual circumstances are considered when determining the most appropriate type of specialized treatment intervention to assign. A youth may be assigned to a specialized program designated for a higher or lower need level than the youth's assessed need level for any reason deemed appropriate by the division director over treatment programming or designee.
- (3) The executive director or his/her designee may make exceptions to provisions of this rule on a case-by-case basis, based on a consideration of the youth's best interests and public safety.
- (4) The justification for any individual exceptions granted under this subsection must be documented.

(h) Specialized Aftercare.

Youth who successfully complete one of the following specialized treatment programs, or who otherwise need specialized aftercare as determined by the youth's treatment team, will receive specialized aftercare on an outpatient basis as needed, as recommended by the treatment team, and as available:

- (1) mental health treatment program;
- (2) intensive or short-term sexual behavior treatment program;
- (3) intensive or short-term alcohol or other drug treatment program; or
- (4) intensive or short-term capital and serious violent offender treatment program.

See [CMS.01.25](#) and [CMS Chapters 7-9](#) for implementation procedures.

Refer to GAP.87.51 dated 4/26/04 for requirements to complete specialized treatment for youth admitted prior to September 1, 2009.