

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, and Program Completion Division: Placement Planning <b>Rule: Home Placement</b>  ACA: 4-JCF-5I-02 Statute(s): <a href="#">Human Resources Code §245.051</a>	<b>Effective Date: 4/1/14</b>  Page: 1 of 3  Replaces: GAP.380.8571, 11/15/11
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**RULE**

(a) **Purpose.**

The Texas Juvenile Justice Department (TJJD) recognizes that positive contact with parents, family members, guardians, and other significant persons can greatly enhance a youth's successful re-entry into the community. TJJD considers the totality of the home environment when making decisions regarding an appropriate home placement for youth. The purpose of this rule is to establish criteria and procedures to identify a suitable parole placement for youth who have completed residential program requirements.

(b) **Applicability.**

- (1) This policy applies to youth who will be placed on parole prior to age 19.
- (2) This policy does not apply to sentenced offenders whose minimum period of confinement will expire within two months prior to the youth's 19<sup>th</sup> birthday or after the 19<sup>th</sup> birthday, because the youth, if released to parole, will be under the supervision of the Texas Department of Criminal Justice-Parole Division.

(c) **Definitions.**

As used in this rule, the following terms have the following meanings, unless the context clearly indicates otherwise.

- (1) **Close Family Friend**--a person at least 21 years of age who has a longstanding, significant relationship with the youth. Examples may include a godparent or someone considered to be an aunt or uncle even though not related to the youth.
- (2) **Guardian**--has the meaning assigned in [Chapter XIII, Section 601 of the Probate Code](#).
- (3) **Parent**--an individual who has established a parent-child relationship under [§160.201](#) of the Family Code. Parent does not include an individual whose parental rights have been terminated.
- (4) **Relative**--any person at least 21 years of age, other than a parent, who is:
  - (A) currently related to the youth in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once-removed (the child of one's first cousin), second cousin (the child of the first cousin of one's parent), great uncle, or great aunt;
  - (B) the spouse of the youth or a person listed in subparagraph (A) of this paragraph; or
  - (C) the youth's step-father, step-mother, or adult step-sibling.

(d) **General Provisions.**

- (1) TJJD attempts to place paroled youth in the home of the youth's custodial parent(s) or legal guardian whenever possible. All parole placements are made consistent with the best interests, safety, rehabilitative needs, and special needs of the youth.

- (2) TJJJ may place a youth at the following placements:
    - (A) home of the custodial parent(s) or legal guardian;
    - (B) home of the non-custodial parent;
    - (C) home of a relative;
    - (D) home of a close family friend;
    - (E) program placement such as a halfway house, subsidized independent living, or foster home;  
or
    - (F) if the youth meets required parole supervision levels, an unsupervised home location such as an apartment, dormitory, or homeless shelter.
  - (3) TJJJ considers input from the youth, the youth's parents/guardian, and relatives when determining the parole placement that is in the youth's best interest.
  - (4) For youth under supervision of both the Department of Family and Protective Services (DFPS) and TJJJ, TJJJ collaborates with DFPS to determine the appropriate home placement.
  - (5) TJJJ will conduct home placement assessments for youth referred for parole supervision through the Texas Interstate Compact for Juveniles Office according to the rules of the Interstate Commission for Juveniles.
  - (6) TJJJ may conduct background and criminal history checks of individuals over the age of 14 as a prerequisite to placing a youth in the home of a close family friend. Confidential criminal history record information will not be released or disclosed except on court order or with the consent of the individual who is the subject of the criminal history record information. Criminal records obtained pursuant to this rule will be destroyed after completion of the home placement decision.
  - (7) For youth under age 18 whose parents cannot be located or refuse to allow the youth to return home and TJJJ is unable to locate a placement with a relative, TJJJ will refer the matter to DFPS.
  - (8) Based on a consideration of the youth's best interests and public safety, the executive director or his/her designee may make exceptions to provisions of this rule on a case-by-case basis.
- (e) **Placement Assessment.**
- (1) The assigned parole officer must evaluate the parole placement options of each youth upon commitment to TJJJ. If it is determined that the home of the custodial parent/legal guardian is not available for a parole placement, alternative placement options will be identified in consultation with the youth's case manager, the youth, and when possible, the youth's parent/guardian.
  - (2) The assigned parole officer must assess the home of each youth in his/her jurisdiction, provide a parent/parole orientation, and determine whether the home is approved or disapproved for placement. The home placement assessment will be completed in the home where the youth will be placed.
  - (3) The home placement assessment status may be changed but only as a result of a follow-up home placement assessment by the assigned parole officer.
  - (4) A completed home placement assessment is considered current for 12 months. Home placement re-assessments are conducted annually.
  - (5) Any time new evidence or special circumstances warrant, a follow-up home placement assessment must be conducted.

**(f) Disapproval Criteria for Home Placements.**

- (1) A home may be disapproved if one or more of the following criteria exists and can be documented:
  - (A) physical abuse;
  - (B) sexual abuse;
  - (C) physical absence of parent caretaker due to criminal incarceration or physical/psychiatric hospitalization;
  - (D) serious physical/survival neglect;
  - (E) legal termination of parental rights for youth under 18 years of age;
  - (F) the youth is a sex offender, the victim or a potential victim resides in the home, and requirements for family reintegration have not been met;
  - (G) the legal head of household cannot or will not supervise the youth and/or the youth is not welcome in the home; or
  - (H) the home being assessed is that of a close family friend and there is documented evidence that an individual in the home has a criminal or other background that would present or has presented a negative and/or unsafe influence or impact on the youth.
- (2) If a home is disapproved, parole staff must provide supports and services to the family that will assist with addressing safety or other issues identified as disapproval criteria. A disapproved home may later be approved as a placement if the assigned parole staff determines specific actions have been taken to address the identified issues.
- (3) If a home is not approved, parole staff must provide the parent(s) or legal head of household with written notice of the disapproval, the reasons for the disapproval, any action that may be taken to correct a deficiency, and information concerning the right to file a grievance concerning the decision.

**(g) Non-Relative Placements.**

- (1) Youth under 18 years of age may only be placed with a close family friend or in an unsupervised home location if approved by the executive director or his/her designee, and for placements with a close family friend, only if appropriate criminal history checks have been conducted.
- (2) If a parent/guardian objects to a non-relative placement, the objection will be considered in the final decision.

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See [CMS.12.05](#) for implementation procedures.