

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Program Completion for Sentenced Offenders	Effective Date: 12/1/16 Page: 1 of 4 Replaces: GAP.380.8559, 4/1/14
ACA: 4-JCF-3A-22; 3A-23; 3A-24; 3C-17; 5B-04; 5I-01, 5I-02 Statutes: HR Code §§244.015, 245.051, 245.054 ; Education Code §30.106 ; Family Code §54.0491	

RULE

(a) Purpose.

This rule establishes criteria and the approval process for sentenced offenders to qualify for release or transfer to parole by completing required programming.

(b) Applicability.

- (1) This rule applies only to sentenced offenders.
- (2) This rule does not apply to sentenced offenders who are:
 - (A) discharged due to expiration of the sentence or transferred to the Texas Department of Criminal Justice (TDCJ) by court order or by aging out of the Texas Juvenile Justice Department (TJJD). See [§380.8565 of this title](#); or
 - (B) adjudicated for capital murder. See [§380.8569 of this title](#).

(c) General Requirements.

- (1) A detainer or bench warrant is not an automatic bar to earned release. TJJD releases youth to authorities pursuant to a warrant.
- (2) To determine eligibility for release or transfer, TJJD reviews each youth's progress:
 - (A) six months after admission to TJJD;
 - (B) when the minimum period of confinement is complete;
 - (C) when the youth becomes 16 years of age;
 - (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-Correctional Institutions Division (TDCJ-CID) or TDCJ-Parole Division (TDCJ-PD);
 - (E) within 45 days after revocation of parole, if applicable; and
 - (F) at other times as appropriate, such as after a major rule violation has been confirmed through a Level II hearing.
- (3) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review at least 30 days before the date of the review. The notification informs the recipients that they have the opportunity to submit written comments to TJJD and specifies the date by which the comments must be received. The notification also informs the parent/guardian and any identified victim(s) that they may present information in person during

the youth's exit review process and specifies the date by which a request to present in-person information must be received. Any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJJ and included in the release/transfer packet.

- (4) A youth must serve the entire minimum period of confinement applicable to the committing offense in a high-restriction facility unless:
- (A) the youth is transferred to TDCJ-CID by the committing court. See [§380.8565 of this title](#);
 - (B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;
 - (C) the youth's sentence expires before the minimum period of confinement expires; or
 - (D) the executive director waives such placement.

(d) **Program Completion Criteria.**

- (1) A youth may be considered for release or transfer to parole when the following criteria have been met:
- (A) no major rule violations confirmed through a Level II due process hearing within 90 days prior to the exit interview or during the approval process;
 - (B) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751 of this title](#);
 - (C) assignment by the Multi-disciplinary Team to the highest stage in the rehabilitation program as described in [§380.8703 of this title](#), which reflects that the youth:
 - (i) is consistently participating in academic and workforce development programs commensurate with abilities as reflected in the youth's educational plan;
 - (ii) is consistently participating in skills development groups, as reflected in the youth's individual case plan;
 - (iii) is consistently demonstrating learned skills, as reflected in the documentation of the youth's behavior; and
 - (iv) has completed a community reintegration plan, approved by the Multi-disciplinary Team, that demonstrates the youth's:
 - (I) understanding of his/her risk and protective factors;
 - (II) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors;
 - (III) identification of goals and a plan of action to achieve those goals; and
 - (IV) identification of obstacles that may hinder successful re-entry and plans to deal with those obstacles;
 - (D) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:

- (i) participation in a reading improvement program for identified youth to the extent required under [§380.9155 of this title](#);
 - (ii) participation in a positive behavioral interventions and supports system to the extent required under §380.9155 of this title; and
 - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order; and
- (E) completion of:
- (i) all but nine months of the sentence if the sentence expires before or simultaneously with the minimum period of confinement; or
 - (ii) the entire minimum period of confinement if the sentence expires after the minimum period of confinement.
- (2) Youth are released to TJJJ parole unless the youth meets program completion criteria within two months before his/her 19th birthday, in which case the youth will be transferred to TDCJ-PD.

(e) **Release or Transfer Approval.**

For sentenced offenders, the executive director or his/her designee is the final decision authority for release or transfer. The final decision authority ensures that the youth meets all program completion criteria and that the community re-entry/transition plan adequately addresses risk before approving the release or transfer.

(f) **Loss of Release or Transfer Eligibility.**

- (1) Eligibility for release or transfer is lost when either of the following occurs after the exit interview:
- (A) youth commits a major rule violation that is confirmed through a Level II due process hearing; or
 - (B) the youth's Multi-disciplinary Team determines that the youth no longer meets the required rehabilitation program criteria.
- (2) Except as described in paragraph (3) of this subsection, a youth who loses release or transfer eligibility will not be eligible for release or transfer until such time as the youth again meets program completion criteria and a subsequent exit review/interview confirms eligibility.
- (3) If a youth is being considered for release or transfer nine months before completion of his/her sentence and he/she loses eligibility for release or transfer, the youth must remain in high restriction until the sentence has expired.

(g) **Release or Transfer Date.**

- (1) TJJJ holds the exit interview within 14 calendar days after the date a youth meets program completion criteria as set forth in this rule.
- (2) If the youth meets program completion criteria, the youth is:
- (A) released to TJJJ parole within 60 calendar days after the date the youth met program completion criteria unless the youth loses release eligibility, in which case the release process is re-initiated when the youth again meets program completion criteria; or
 - (B) transferred to TDCJ-PD on or before the youth's 19th birthday.

(h) Notification.

- (1) TJJJD provides the committing juvenile court a copy of the youth's community re-entry/transition plan and a report concerning the youth's progress while committed to TJJJD no later than 30 days before the date of the youth's release or transfer. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJJD provides the community re-entry/transition plan and progress report to a juvenile court having jurisdiction over the county of the youth's residence.
- (2) TJJJD notifies the following at least ten calendar days before the youth's release:
 - (A) the committing juvenile court;
 - (B) the prosecuting attorney;
 - (C) the youth's parole officer;
 - (D) the chief juvenile probation officer in the county to which the youth is being moved; and
 - (E) any entity that has issued an active warrant for the youth.

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- See [CMS.02.56](#) and [CMS.02.57](#) for procedures relating to the release process.
 - See [CMS.02.77](#) for procedures relating to release of youth with non-immigration detainers.
 - See [CMS.02.75](#) for procedures relating to release of undocumented foreign nationals to parole.
 - See [CMS.02.62](#) for procedures relating to the 30-day report to the committing court ([CCF-180](#)).
 - See [CMS.02.63](#) for procedures relating to the 10-day release/transition notice ([CCF-186](#)).
 - See [CMS.03.11](#) for procedures relating to the gang intervention education program.
 - See [EDU.13.51](#) for procedures relating to participation in the reading program and Positive Behavioral Interventions and Supports system.