

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Discharge Rule: Parole Completion and Discharge ACA: N/A Statute(s): HR Code §244.005 , §245.151	Effective Date: 4/1/14 Page: 1 of 3 Replaces: GAP.380.8595, 11/1/11
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RULE

(a) **Purpose.**

The purpose of this rule is to establish criteria for discharging youth from the jurisdiction of the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies only to non-sentenced offenders. Refer to [§380.8565](#) of this title for information relating to discharge of sentenced offenders.

(c) **Discharge Criteria.**

(1) **Discharge Due to Successful Completion of Parole.**

- (A) Youth who have never been classified as a Type A Violent offender and whose committing offense(s) are of moderate or low severity may qualify for discharge upon completion of the following criteria:
 - (i) successful completion of the pre-discharge level of parole supervision;
 - (ii) compliance with the youth's conditions of parole, based on the individual needs assessment;
 - (iii) no pending delinquency petitions or criminal charges;
 - (iv) completion of 60 hours of community service as specified in the youth's conditions of parole (credit is granted for community service performed while in a medium restriction facility, if applicable); and
 - (v) completion of 40 hours of constructive activities as defined on the conditions of parole each week for at least 30 days. Constructive activity includes, but is not limited to time spent working, attending school, attending treatment/counseling, completing community service, actively searching for employment, and providing direct supervision to a child.
- (B) The executive director or his/her designee may approve the discharge of a youth prior to completion of the requirements in subparagraph (A) of this paragraph when consideration of a youth's committing offense, behavior, history, and progress towards completion of parole conditions justifies an earlier discharge.

(2) **Direct Discharge from Residential Facility by Release Review Panel.**

Pursuant to [§380.8557](#) of this title, the Release Review Panel may discharge a youth directly from a residential placement upon a finding that the youth is no longer in need of rehabilitation or that TJJD is no longer the most suitable location to provide the needed rehabilitation.

(3) **Discharge Due to Age.**

- (A) Youth committed to TJJD before February 1, 2009, who were ever classified as Type A Violent offenders or youth committed to TJJD on or after February 1, 2009, with committing or revocation offenses of high severity are discharged on:

- (i) the day before the 19th birthday, if the youth is assigned to a residential facility; or
 - (ii) the last working day prior to the 19th birthday, if the youth is assigned to a non-residential placement.
 - (B) Any youth who has not previously been discharged due to successful completion of parole or by the Release Review Panel is discharged on:
 - (i) the day before the 19th birthday, if the youth is assigned to a residential facility; or
 - (ii) the last working day prior to the 19th birthday, if the youth is assigned to a non-residential placement.
 - (C) A youth on parole status who is discharged due to age is considered to have successfully completed parole if the youth:
 - (i) is not in jail or on abscond status;
 - (ii) has no pending delinquency petitions or criminal charges; and
 - (iii) has substantially complied with all parole requirements.
- (4) **Discharge due to Special Circumstances.**
- (A) Youth who have never been classified as a Type A Violent offender and do not have a committing offense of high severity may be discharged prior to completion of parole requirements to enlist in the military. Only the executive director may approve such a discharge.
 - (B) Youth placed out of state may be discharged when requested by the placement state for satisfactory adjustment or when court action is taken by the placement state. Only the executive director may approve such a discharge.
 - (C) Youth who have completed length-of-stay requirements and who are unable to progress in the agency's rehabilitation program because of mental illness or mental retardation may be discharged as specified in [§380.8779](#) of this title.
 - (D) Youth who have never been classified as a Type A Violent offender and do not have a committing offense of high severity who are age 18 or older may be discharged prior to completion of parole requirements in order to obtain appropriate services. Only the executive director may approve such a discharge.
 - (E) Youth may be discharged for special circumstances other than those addressed in subparagraphs (A) - (D) of this paragraph upon the executive director's approval.
- (5) **Other Types of Discharges.**
- (A) TJJD discharges youth when:
 - (i) the youth is placed on actively supervised adult probation for conduct that occurred while on TJJD parole status;
 - (ii) the youth is sentenced for a minimum of 180 days in a state or county jail as part of the disposition of a criminal case;
 - (iii) the court orders a reversal of the commitment;
 - (iv) records are closed following a youth's death; or
 - (v) the youth is sentenced to the Texas Department of Criminal Justice – Institutional Division.

(d) **Notification.**

- (1) TJJJD immediately notifies the youth of the discharge and provides the youth and the parent/guardian a written explanation of procedures for sealing records.
- (2) TJJJD notifies the following at least ten calendar days before the youth's discharge or as soon as practicable:
 - (A) the committing juvenile court;
 - (B) the prosecuting attorney;
 - (C) the youth's parole officer;
 - (D) the county 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.

For discharge and notification procedures, see [CMS.02.63](#), [CMS.02.65](#), and [CMS.12.21](#).