

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Youth Rights and Remedies Rule: Appeals to the Executive Director ACA: 4-JCF-3C-15 Statutes: HR Code §203.010	Effective Date: 10/1/15 Page: 1 of 2 Replaces: GAP.380.9353, 11/1/11
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RULE

(a) **Purpose.**

The purpose of this rule is to permit Texas Juvenile Justice Department (TJJD) youth and their parents or guardians to appeal decisions made by TJJD or contract program employees to the TJJD executive director.

(b) **Direct Appeals to the Executive Director.**

A direct appeal to the executive director or designee may be filed in matters limited to:

- (1) the results of a Level I or II hearing;
- (2) the assignment of a minimum length of stay;
- (3) a response to a healthcare-related grievance;
- (4) a response to an appeal of a grievance not related to healthcare issues;
- (5) the lack of a written response within 15 workdays after submission of a grievance;
- (6) the lack of a written response within 15 workdays after submission of a grievance appeal;
- (7) a disapproved home evaluation;
- (8) the results of a Level IV hearing held for a youth in community detention;
- (9) the results of a second or subsequent Level IV hearing held for a youth in detention in a TJJD security unit;
- (10) a decision to extend the youth's stay in the Security Program for 120 continuous hours or longer;
- (11) a decision from a mental health status review hearing;
- (12) a decision from a Title IV-E hearing;
- (13) the findings of an alleged abuse, neglect, or exploitation investigation; and
- (14) the decision of the administrator of chaplaincy services regarding a request for accommodation of religious practices.

(c) **Filing Deadline.**

All appeals must be submitted in writing, clearly describe the grounds for the appeal, and be filed within six months after the decision being appealed. Appeals filed after that time may be considered at the discretion of the executive director or designee.

(d) Action of the Executive Director.

- (1) The executive director or designee responds in writing to each appeal. Failure to respond to an appeal within 30 working days will constitute an exhaustion of administrative remedies for purposes of appeal to the courts, but it will not be construed as acceptance or rejection of any contention made in the appeal.
- (2) The executive director or designee considers the recommendations of the Office of General Counsel in reaching a decision on appeals of investigation findings, including any additional findings or information that resulted from further investigation.
- (3) The executive director or designee may uphold, reverse, or modify a grievance resolution. He/she may also return the grievance to the chief local administrator with instructions or determine that the grievance involves operational issues that have been adequately addressed and resolved at the facility level.
- (4) The executive director or designee may determine that an issue has not been sufficiently developed to render an informed appeal resolution. If so, the executive director or designee may, before a response is issued:
 - (A) conduct further investigation;
 - (B) require staff to provide additional information about the investigation and state a time frame in which to comply; or
 - (C) reopen the investigation. If the investigation findings are changed, the parties entitled to notification are notified of their right to appeal the new findings.

(e) Distribution of Appeal Decisions.

- (1) Appeal decisions are distributed to the following:
 - (A) the complainant;
 - (B) the complainant's attorney or representative, if any;
 - (C) the chief local administrator where the youth resides;
 - (D) the chief local administrator where the incident occurred; and
 - (E) other persons as deemed appropriate.
- (2) Appropriate TJJD staff must assist youth in interpreting appeal decisions from TJJD's executive director or designee.

(f) Exhaustion of Administrative Remedies.

The appeal decision of the executive director or designee is the final administrative resolution of an issue appealed and constitutes an exhaustion of administrative remedies for purposes of appeal to the courts.
