

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Rights of Victims ACA: 4-JCF-6G-07 Statutes: Family Code, Chapter 57	Effective Date: 12/1/16 Page: 1 of 2 Replaces: GAP.385.8135, 11/1/11
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RULE

(a) **Purpose.**

This rule addresses the rights of victims as described in [Texas Family Code Chapter 57](#) and [Texas Code of Criminal Procedure Article 56.02](#) and allows victims to provide input into the release process of youth committed to the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

All of the rules and procedures afforded to a victim of a youth in TJJD custody, as indicated by the use of the term victim in this section, are equally afforded to the guardian of a victim or close relative of a deceased victim.

(c) **Definitions.**

- (1) **Victim**--a person who as the result of the delinquent conduct of a juvenile suffers a financial loss or personal injury or harm.
- (2) **Close relative of a deceased victim**--a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (3) **Guardian of a victim**--a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetence of the victim.

(d) **Victim Confidentiality.**

- (1) Information in a Juvenile Victim Impact statement (JVIS) or information submitted in the preparation of a JVIS is confidential with regard to the victim's name, social security number, address, telephone number, and any other information which would identify or tend to identify the victim.
- (2) Any victim involvement while the youth is in TJJD custody is confidential.

(e) **Victim's Right to Information.**

- (1) A victim may request, in writing, any of the information listed below:
 - (A) information concerning the procedures for release or transfer of the youth from one program placement to another including to the custody of the Texas Department of Criminal Justice (TDCJ);
 - (B) notification of:
 - (i) release under supervision, including release to TJJD parole;
 - (ii) release to a non-institutional community placement;
 - (iii) transfer to TDCJ; and
 - (iv) discharge from TJJD supervision.

- (2) If there is a signed request from the victim, the information is sent to the victim at his or her most current address on file.
 - (3) For a victim who has requested information concerning a youth, TJJJ staff may reveal only the following:
 - (A) that the youth is under TJJJ's supervision;
 - (B) the youth's minimum length of stay and/or the minimum period of confinement;
 - (C) the committing offense in which the victim was involved;
 - (D) the youth's conditions of parole supervision (except specialized treatment) and physical address if the youth is living at a TJJJ residential placement;
 - (E) information about and an invitation to participate in TJJJ's Special Services Committee or Release Review Panel review for the offense in which the victim was involved;
 - (F) that the youth has been transferred to another location and the name of that location, unless the program is only for substance abuse and/or mental health treatment;
 - (G) the name of the youth's caseworker and/or parole officer; and
 - (H) general information about the agency's rehabilitation program without revealing specific information regarding the youth's treatment.
 - (f) **Victim's Right to Participation.**
 - (1) A victim may provide information to be considered by TJJJ before the youth is released under supervision (including release to TJJJ parole), released to a non-institutional community placement, or transferred to prison or TDCJ parole.
 - (2) If the victim requests in writing and receives permission to provide input in person, he or she may participate in the staff meeting where release under supervision is considered. The victim is not allowed to attend the entire meeting regarding the youth.
 - (3) Victims who provide in-person input are provided a waiting area separate from any location where they might encounter the youth.
 - (g) **Victim Appeal.**

The victim has no right of appeal in any TJJJ decision.
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