



Explanation of Notification of Disposition

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

The investigations of alleged abuse, neglect and exploitation conducted by the Texas Juvenile Justice Department (TJJD) Administrative Investigations Division (AID) are governed by the administrative rules set forth in Title 37 Texas Administrative Code Chapter 350. Your receipt of this *Notice of Disposition* means that the TJJD has completed its investigation in which you were named as the alleged perpetrator. This sheet serves to explain the *Notice of Disposition*. For further information regarding your legal rights and remedies you may need to consult private counsel.

Dispositions:

Baseless - Clear and convincing evidence confirms that the allegation is spurious or patently without factual basis or that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, did not occur.

Concur – A preponderance of evidence obtained during TJJD's investigation, which is in part supported by the internal investigation, determines that an incident occurred; however, the evidence is not necessarily definitive as to whether or not elements of the incident meet the statutory definition of abuse, neglect or exploitation.

Does Not Meet the Statutory Definition – A preponderance of evidence determines the conduct that formed the basis of the allegation does not meet the statutory definition of abuse, neglect or exploitation.

Previously Investigated – The alleged incident was previously investigated by the TJJD and therefore, further investigation by the TJJD is unwarranted.

Reason to Believe – A preponderance of evidence substantiates that an incident that meets the statutory definitions of abuse, neglect or exploitation occurred.

Referred – The case is referred to the government entity with investigative jurisdiction when a preponderance of evidence confirms:

- The TJJD does not have investigative jurisdiction;
- Law enforcement is conducting a criminal investigation; or
- Criminal prosecution is pending.

Ruled Out – A preponderance of evidence does not substantiate that an incident, which meets the statutory definition of abuse, neglect or exploitation, occurred.

Unable to Determine – A preponderance of evidence does not exist to substantiate that abuse, neglect or exploitation occurred; nor does a preponderance of evidence exist to rule out that abuse, neglect or exploitation did not occur.

Unable to Investigate – The TJJD's investigation cannot proceed because:

- The persons involved in the alleged incident cannot be identified or located;
- The persons involved in the alleged incident refuse to cooperate with the investigation;
- There is insufficient information to proceed with the investigation; or
- Evidence essential to the investigation is no longer obtainable.

Roles:

At the conclusion of an investigation of alleged of abuse, neglect, exploitation or death in which the assigned disposition is "Reason to Believe", a role shall be assigned to the alleged victim and to the alleged perpetrator.

Administrative Designee – The alleged perpetrator is the administrator of the department, program or facility and it was determined that the proximate cause of the alleged incident of abuse, neglect, exploitation or death was based on policies and procedures under the direct control of the administrator.



Explanation of Notification of Disposition

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

Designated Victim – The investigation determined the juvenile was abused, neglected or exploited.

Designated Perpetrator – The investigation determined the alleged perpetrator is responsible for the abuse, neglect or exploitation of a juvenile.

Sustained Perpetrator – A designated perpetrator as defined in this section who has already been offered the right to an administrative review and the designated perpetrator's rights to the administrative review have expired or the disposition was upheld.

Procedure to Request Investigation Report:

Pursuant to Title 37 Texas Administrative Code §349.520 and to the extent required by state or federal law, or to the extent deemed necessary by the TJJD for the protection and care of juveniles, the TJJD may release case record information made confidential under Texas Family Code §261.201(a). A complete listing of those individuals/entities who may be given access to otherwise confidential abuse, neglect and exploitation information can be found in Title 37 Texas Administrative Code §349.520.

Records will not be released until the investigation of an allegation of abuse, exploitation or neglect is complete, unless, in the discretion of the TJJD, release prior to investigation completion is necessary to aid in the protection of juveniles.

Procedure to Contest the Finding:

If you have been assigned the role of "**Designated Perpetrator**" or "**Administrative Designee**", you have the right to contest TJJD's investigation finding. Only designated perpetrators or administrative designees have the right to contest the finding. The intent to contest TJJD's investigation finding must be submitted in writing within **20 calendar days** of receipt of the *Notification of Disposition*. The *Notification of Disposition* is considered "received" based on the date the certified letter receipt is signed or within three business days of the mailing, if the receipt is not returned.

The intent to contest must be submitted in writing to:

**The Texas Juvenile Justice Department
Attn: Office of the General Counsel
P.O. Box 12757
Austin, Texas 78711-2757**

If you have any questions you may contact a member of the Office of the General Counsel at **512-490-7241** or the Administrative Investigations Division at **512-490-7126** or **512-490-7230**.

Disciplinary Process:

Chief Juvenile Probation Officers who would like to provide input into the decision concerning possible disciplinary action may contact the Office of the General Counsel at **512-490-7241**.