

Texas Administrative Code Chapter 341

Revised standards effective on February 1, 2018

The TJJD Board has adopted changes to 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments. These changes will take effect on February 1, 2018. This document contains a summary of the changes and shows the marked-up text of the affected standards. To see the final text of Chapter 341 in its entirety without the mark-ups, please visit the [Resources page on the TJJD website](#).

Rule #	Title of Rule	Summary of Key Revisions
341.100	Definitions	<ul style="list-style-type: none"> • Deleted the definition for <i>Transport Personnel</i>. • Added a definition for <i>Professional</i>. • Made minor revisions to the definition of <i>Juvenile Justice Program</i> to align with definitions used elsewhere in TJJD's rules.
341.204 (NEW)	Residential Placement	<ul style="list-style-type: none"> • New standard. • Requires a juvenile board to ensure that juveniles under its jurisdiction are placed only in: <ul style="list-style-type: none"> ○ juvenile justice facilities certified by a juvenile board in Texas; or ○ public or private residential facilities or programs licensed by a state governmental entity or exempted from licensure by state law. • Refers to the state laws requiring a juvenile board to certify and register juvenile justice facilities located in counties served by the board.
341.400	Duties of Certified Juvenile Probation Officers	<ul style="list-style-type: none"> • Added passing the certification exam to the list of requirements that would allow a non-certified juvenile probation officer to perform the duties of a certified officer.
341.402 (NEW)	Duties of Certified Community Activities Officers	<ul style="list-style-type: none"> • New standard. • Creates a new TJJD certification (i.e., community activities officer). • Requires any individual who supervises or transports juveniles in a non-secure setting within a juvenile justice program to be certified as a community activities officer, with several listed exceptions. • Establishes that juvenile probation officers and juvenile supervision officers may perform the duties of community activities officers without obtaining certification as a community activities officer. • Establishes that a community activities officer may not participate in the administration of intensive physical activity unless he/she has received training in adolescent development and behavior. • Establishes that professionals who are providing services in their professional capacity do not require certification as a community activities officer.
341.403 (NEW)	Supervising and Transporting Juveniles	<ul style="list-style-type: none"> • New standard. • Requires at least one staff member who is supervising or transporting a juvenile in a non-secure setting within a juvenile justice program to be certified in CPR and first aid.
341.702	Requirements [for Restraints]	<ul style="list-style-type: none"> • Added community activities officers to the list of individuals who may be authorized to use restraints. • Removed references to transport personnel. • Clarified that only staff members who are trained <i>and currently certified</i> in the use of the approved personal restraint technique may use it.
341.705	Transport Personnel	<ul style="list-style-type: none"> • REPEALED. • Staff who perform transport functions are now covered by the new community activities officer certification and the associated training requirements for that certification.

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§341.100 Definitions

Effective Date: ~~1/1/17~~

The following words and terms have the following meanings when used in this chapter [§] unless the context clearly indicates otherwise.

- (1) **Alternative Referral Plan**--A procedure that deviates from the requirements of Texas Family Code §53.01(d) regarding referral of cases to the prosecutor.
- (2) **Approved Personal Restraint Technique ("personal restraint")**--A professionally trained, curriculum-based, and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints.
- (3) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:
 - (A) **Ankle Cuffs**--Metal band designed to be fastened around the ankle to restrain free movement of the legs.
 - (B) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.
 - (C) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.
 - (D) **Soft Restraints**--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.
 - (E) **Waist Belt**--A cloth, leather, or metal band designed to be fastened around the waist and used to secure the arms to the sides or front of the body.
- (4) **Case Management System**--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.
- (5) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including the juvenile probation department of a multi-county judicial district.
- (6) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.
- (7) **Criminogenic Needs**--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.
- (8) **Data Coordinator**--A person employed by a juvenile probation department who is designated to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.
- (9) **Department**--A juvenile probation department.
- (10) **Draw**--To unholster a weapon in preparation for use against a perceived threat.
- (11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.
- (12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.

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- (13) Field Supervision--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.
- (14) Formal Referral--An event that occurs only when all three of the following conditions exist:
 - (A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;
 - (B) the juvenile probation department has jurisdiction and venue; and
 - (C) the office or official designated by the juvenile board has:
 - (i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or
 - (ii) given written or verbal authorization to detain the juvenile.
- (15) Initial Disposition--The disposition of probation issued by a juvenile court after a child is:
 - (A) formally referred to a juvenile probation department for the first time; or
 - (B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.
- (16) Inter-County Transfer--As described in Texas Family Code §51.072, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.
- (17) Intermediate Weapons--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.
- (18) Intern--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.
- (19) Juvenile--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.
- (20) Juvenile Board--A governing board created under Chapter 152 of the Texas Human Resources Code.
- (21) Juvenile Justice Program--A program or department that:
 - (A) serves juveniles under juvenile court or juvenile board jurisdiction; and
 - (B) is operated solely [wholly] or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:
 - (i) juvenile justice alternative education programs;
 - (ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; and
 - (iii) juvenile probation departments.
- (22) Professional--a person who meets the definition of professional in §344.100 of this title.
- (23)[(22)] Resident--A juvenile or other individual who has been lawfully admitted into a pre-adjudication secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a non-secure juvenile correctional facility.
- (24)[(23)] Residential Placement--Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.
- (25)[(24)] Restraints--Personal or mechanical restraint.

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- ~~(26)~~~~(25)~~ Responsivity Factors--Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)
- ~~(27)~~~~(26)~~ SRSXEdit--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.
- ~~(28)~~~~(27)~~ Supervision--The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.
- ~~(29)~~~~(28)~~ TCOLE--Texas Commission on Law Enforcement.
- ~~(30)~~~~(29)~~ Title IV-E Approved Facility--A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.
- ~~(31)~~~~(30)~~ TJJD--Texas Juvenile Justice Department.
- ~~(32)~~~~(31)~~ TJJD Electronic Data Interchange (EDI) Extract--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.
- ~~(33)~~~~(32)~~ TJJD Mental Health Screening Instrument--An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.
- ~~[(33) Transport Personnel--An employee of a juvenile probation department, other than a juvenile supervision officer, whose primary job duty is to transport juveniles.]~~
- (34) Volunteer--An individual who performs services for the juvenile probation department without compensation from the department who has:
- (A) any unsupervised contact with juveniles in a juvenile justice program or facility; or
 - (B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.

§341.204 Residential Placement

Effective Date:

(a) Duty to Certify Juvenile Justice Facilities.

The juvenile board serving the county where a juvenile justice facility is located must certify and register the facility as required by Texas Family Code §§51.12, 51.125, and 51.126, as applicable.

(b) Prohibition on Placing Juveniles in Non-licensed Facilities.

The juvenile board must ensure that juveniles under its jurisdiction are placed only in:

- (1) juvenile justice facilities that are certified by a juvenile board in Texas; or
- (2) public or private residential facilities or programs licensed by a state governmental entity or exempted from licensure by state law.

§341.400 Duties of Certified Juvenile Probation Officers

Effective Date: ~~1/1/17~~

- (a) The following duties and responsibilities may be performed only by certified juvenile probation officers, except as allowed by subsection (b) of this section:
- (1) recommending a disposition in formal court proceedings;
 - (2) providing final approval of written social history reports;
 - (3) acting as the primary supervising officer for court-ordered and deferred prosecution cases;
 - (4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;
 - (5) developing and implementing case plans in accordance with Subchapter E of this chapter;

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- (6) conducting intake interviews and preliminary investigations and making release decisions under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;
 - (7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;
 - (8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;
 - (9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;
 - (10) explaining to the juvenile and to the juvenile's parent, guardian, or custodian, the following, as required by Texas Family Code §58.209:
 - (A) who will have access to the juvenile's record; and
 - (B) under what circumstances that record may be eligible for restricted access or sealing; and
 - (11) providing the juvenile with a written copy of the explanation in paragraph (10) of this subsection.
- (b) ~~An [Subject to the application deadline established in Chapter 344 of this title, an]~~ individual hired as a juvenile probation officer who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) of this section only if the individual has:
- (1) not exceeded the deadline for submitting a certification application established by Chapter 344 of this title;
 - (2) completed a minimum of 40 hours of training, which must include the mandatory exam topics required in Chapter 344 of this title; and [-]
 - (3) passed the certification exam for juvenile probation officers.

§341.402 Duties of Certified Community Activities Officers

Effective Date:

- (a) The following duties and responsibilities may be performed only by certified community activities officers, except as allowed by subsections (b) and (c) of this section:
- (1) supervising juveniles in a non-secure setting within a juvenile justice program; or
 - (2) transporting juveniles in a non-secure setting within a juvenile justice program.
- (b) An individual hired into a position requiring certification as a community activities officer who is not yet certified as a community activities officer may perform the duties under subsection (a) of this section only if the individual has:
- (1) not exceeded the deadline for submitting a certification application established by Chapter 344 of this title; and
 - (2) completed at least 40 hours of training, which must include the topics listed in §344.626 of this title.
- (c) The following individuals may perform the duties listed in subsection (a) of this section:
- (1) a certified juvenile probation officer; or
 - (2) a certified juvenile supervision officer.
- (d) Notwithstanding subsections (a) and (b) of this section, an individual in a position requiring certification as a community activities officer may participate in the administration of intensive physical activity, as defined in Chapter 348 of this title, only if the individual has received training in adolescent development and behavior.
- (e) Nothing in this chapter is intended to require professionals who are providing services in their professional capacity to obtain certification as a community activities officer. For purposes of this chapter, providing services in a professional capacity is not considered supervising juveniles.

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§341.403 Supervising and Transporting Juveniles

Effective Date:

At least one staff member who is supervising or transporting a juvenile in a non-secure setting within a juvenile justice program must be certified in cardiopulmonary resuscitation and first aid.

§341.702 Requirements

Effective Date: ~~1/1/17~~

~~(a)~~ The use of restraints is governed by the following criteria.

- (1) Personal restraints may be used only by juvenile probation officers and community activities officers ~~[transport personnel]~~ who are trained and currently certified in the use of the approved personal restraint technique.
- (2) Mechanical restraints may be used only by juvenile probation officers and community activities officers ~~[transport personnel]~~ who are trained in the use of all approved mechanical restraint devices.
- (3) Except during routine transportation or when a juvenile probation officer takes a juvenile into custody under Texas Family Code §52.01 or §52.015, restraints may be used only in instances of threat of imminent or active:
 - (A) self-injury;
 - (B) injury to others; or
 - (C) serious property damage.
- (4) Restraints may be used only as a last resort.
- (5) Only the amount of force and type of restraint necessary to control the situation may be used.
- (6) Restraints must be implemented in such a way as to protect the health and safety of the juvenile and others.
- (7) Restraints must be terminated as soon as the juvenile's behavior no longer indicates an imminent threat of self-injury, injury to others, or serious property damage, except during routine transportation or when a juvenile probation officer takes a juvenile into custody.

~~§341.705 Transport Personnel~~

Effective Date: ~~1/1/17~~

~~[Transport personnel must maintain current certification in the following topics:]~~

- ~~[(1) cardiopulmonary resuscitation (CPR);]~~
- ~~[(2) first aid; and]~~
- ~~[(3) a personal restraint technique approved by TJJJD.]~~