

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Program Completion for Non-Sentenced Offenders ACA: 4-JCF-3A-22, 3A-23, 3A-25, 3A-26, 5I-01 Statute(s): HR Code §245.051; Education Code §30.106; Family Code §54.0491	Effective Date: 4/1/14 Page: 1 of 3 Replaces: GAP.380.8555, 9/1/10
--	---

RULE

(a) **Purpose.**

The purpose of this rule is to establish criteria and the approval process for release of youth upon program completion.

(b) **Applicability.**

- (1) This rule does not apply to sentenced offenders.
- (2) This rule does not apply to decisions by the Release Review Panel. See [§380.8557](#) of this title for more information on the Release Review Panel.

(c) **General Provisions.**

A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.

(d) **Program Completion Criteria.**

Youth in high or medium restriction facilities are eligible for release to TJJD parole when the following criteria have been met:

- (1) no major rule violations confirmed through a Level I or II due process hearing within 30 days before the exit review or during the approval process; and
- (2) completion of the minimum and/or extension length of stay; and
- (3) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751](#) of this title; and
- (4) completion of the following rehabilitation program requirements:
 - (A) for TJJD-operated facilities, assignment by the multi-disciplinary team to the highest stage in the assigned rehabilitation program as described in [§380.8703](#) of this title, which reflects that the youth is currently:
 - (i) consistently participating in academic and workforce development programs commensurate with abilities as reflected in the youth's educational plan;
 - (ii) consistently participating in skills development groups, as reflected in the youth's individual case plan;
 - (iii) consistently demonstrating learned skills, as reflected in the documentation of the youth's behavior; or
 - (B) for facilities operated under contract with TJJD, completion of requirements for release to parole as defined in the TJJD-approved rehabilitation program; and

- (5) completion of a community re-integration plan (or equivalent in a contract facility), approved by the youth's treatment team, that demonstrates the youth's:
 - (A) understanding of his/her risk and protective factors;
 - (B) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors;
 - (C) identification of goals and a plan of action to achieve those goals; and
 - (D) identification of obstacles that may hinder successful re-entry and plans to deal with those obstacles; and
 - (6) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:
 - (A) participation in a reading improvement program for identified youth to the extent required under [§380.9155](#) of this title;
 - (B) participation in a positive behavioral interventions and supports system to the extent required under §380.9155 of this title; and
 - (C) completion of at least 12 hours of a gang intervention education program, if required by court order.
- (e) **Review and Approval Process.**
- (1) **Treatment Team Review.**
 - (A) Before the expiration of a youth's minimum length of stay, the youth's treatment team reviews and determines whether the youth meets program completion criteria.
 - (B) The review and determination must occur at least:
 - (i) 30 days before the expiration of the minimum length of stay for youth with a committing offense of low or moderate severity; or
 - (ii) at least 90 days in advance for youth classified as Type A violent offenders before February 1, 2009, or youth with a committing or revocation offense of high severity.
 - (C) If the treatment team determines the youth does not meet program completion criteria, the youth's case is referred to the Release Review Panel for decision in accordance with [§380.8557](#) of this title.
 - (D) If the treatment team determines the youth does meet program completion criteria, the youth's case is referred to the final decision authority.
 - (2) **Final Decision Authority for Approval of Release.**
 - (A) The final decision authority will ensure the youth meets all release criteria and the community re-entry/transition plan adequately addresses risk factors prior to approving the release.
 - (B) The final decision authority for youth classified as Type A violent offenders before February 1, 2009, and youth with a committing offense of high severity is the executive director or his/her designee.
 - (C) The final decision authority for all other non-sentenced offender youth is:
 - (i) the facility administrator for youth assigned to a TJJJ-operated facility; or

- (ii) the division director over residential services or his/her designee for youth assigned to a facility operated under contract with TJJD.
- (D) If the final decision authority approves the release, the youth must be placed on parole or parole status no later than 15 calendar days after the minimum length of stay date.
- (E) If the final decision authority does not approve the release, or if the youth loses release eligibility before the minimum length of stay date and the treatment team confirms that the youth no longer meets program completion criteria, the youth's case is referred to the Release Review Panel.
- (f) **Notifications.**
- (1) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of the treatment team's pending release review at least 15 days before the date of the review.
- (2) TJJD notifies the youth, the youth's parent/guardian, and any designated advocate for the youth of the review decision at least 30 days before the expiration of the minimum length of stay.
- (3) TJJD provides the committing juvenile court a copy of the youth's community re-entry/transition plan and a report concerning the youth's progress while committed to TJJD no later than 30 days before the date of the youth's release. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJD provides the community re-entry/transition plan and progress report to a juvenile court having jurisdiction over the county of the youth's residence.
- (4) TJJD notifies the following at least ten calendar days before the youth's release:
- (A) the committing juvenile court;
- (B) the prosecuting attorney;
- (C) the youth's parole officer;
- (D) the 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.

-
- See [CMS.02.50](#) and [CMS.02.51](#) for procedures relating to the release process.
 - See [CMS.02.77](#) for procedures relating to release of youth with non-immigration detainees.
 - See [CMS.02.75](#) for procedures relating to release undocumented foreign nationals to parole.
 - See [CMS.02.62](#) for procedures relating to the 30-day report to the committing court (CCF-180).
 - See [CMS.02.63](#) for procedures relating to the 10-day release/transition notice (CCF-186).
 - See [CMS.03.11](#) for procedures relating to the gang intervention education program.
 - See [EDU.13.51](#) for procedures relating to participation in the reading program and Positive Behavioral Interventions and Supports system.