

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Youth Rights and Remedies Rule: Youth Mail ACA: 4-JCF-3A-08, 3A-09, 3A-10, 3A-11, 3A-12, 3A-14 3-JCRF-3D-02, 5G-01, 5G-03, 5G-04 References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(D)	Effective Date: 10/1/15 Page: 1 of 3 Replaces: GAP.380.9315, 11/15/11
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RULE

(a) **Purpose.**

The purpose of this policy is to establish rules for promoting open mail communication for youth in residential facilities and to establish limitations on youth mail only as necessary for safety and security and for the protection of youth from improper influences.

(b) **Applicability.**

This rule applies only to youth in residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) **Definitions.**

As used in this rule, the following terms have the following meanings, unless the context clearly indicates otherwise.

- (1) **Contraband**--has the meaning assigned by [§380.9107](#) of this title.
- (2) **Family Member**--father, mother, sibling, step-relationship to any of the preceding, grandparent, or spouse. Family member may also include other relatives as approved by the chief local administrator on a case-by-case basis.
- (3) **Mail**--all written correspondence to or from a youth that is deposited for delivery in a regular postal service and any other item contained in the envelope or package.
- (4) **Special Correspondent**--includes only the following persons:
 - (A) TJJD board members, TJJD administrators, employees of the TJJD Office of Inspector General, or other TJJD investigators;
 - (B) employees of the Office of the Independent Ombudsman for TJJD;
 - (C) government officials, including elected officials, court officials, and law enforcement officials;
 - (D) an attorney for the youth;
 - (E) a member of an advocacy or support group, as defined in [§385.8183](#) of this title;
 - (F) a member of the editorial or reporting staff of any newspaper, magazine, or radio or television station listed in a major media directory.

(d) **General Provisions.**

- (1) Youth have the right to communicate or correspond through the mail with persons or organizations subject only to the limitations necessary to maintain facility order and security and to protect youth from improper influences.
- (2) Money sent by mail to a youth is handled in accordance with [§380.9931](#) of this title.
- (3) No incoming or outgoing youth mail will be read or censored, but mail may be inspected for the purposes provided in subsection (e) of this section.

- (4) Unless a youth requests it, a youth's mail will not be read for any purpose as long as the mail remains in the youth's possession in his/her assigned living unit.
- (5) Mail or other written material that is abandoned following a youth's unauthorized departure may be read to aid in the youth's apprehension.
- (6) Unauthorized written material, which may include mail, that is found in a youth's possession in an area other than his/her living unit may be read only to the extent needed to determine whether the item constitutes contraband.

(e) **Contraband in Incoming and Outgoing Mail.**

- (1) All incoming mail may be opened and inspected for contraband in the youth's presence.
- (2) All outgoing mail may be inspected for contraband prior to sealing, except for outgoing mail to special correspondents.
- (3) Youth may receive magazines or other publications that are not otherwise considered contraband.
- (4) All contraband that is discovered will be seized and disposed of in accordance with [§380.9711](#) of this title.

(f) **Stopped Delivery of Incoming and Outgoing Mail.**

- (1) Incoming mail will not be delivered and outgoing mail will not be deposited for delivery if:
 - (A) it contains contraband; or
 - (B) it is addressed to or from:
 - (i) a person who objects to receiving mail from the youth;
 - (ii) a minor whose parent or guardian has objected to his/her child receiving mail from the youth;
 - (iii) a person, other than a special correspondent or family member, who has been identified by the youth's parent or guardian as someone who should not correspond with the youth (this provision applies only to TJJD youth under age 18);
 - (iv) an inmate of a jail or prison, other than a family member;
 - (v) a youth under TJJD jurisdiction, other than a family member; or
 - (vi) a youth under TJJD jurisdiction who is a family member when it is found that either youth has at any time used the mail to facilitate, plan, or engage in the violation of a law or rule of conduct.
- (2) The executive director or his/her designee may make exceptions on a case-by-case basis regarding individuals permitted to correspond with youth, based on whether it is in the youth's best interest to correspond with the individual.
- (3) Incoming mail that is not delivered will be returned to the sender if a return address is noted on the parcel. If no return address is noted, the mail will be returned to the post office as undeliverable.
- (4) Mail from a youth will not be deposited for delivery without a return address printed on the envelope.

- (5) The executive director or his/her designee may issue a notice of stopped mail when a person who is otherwise eligible to correspond with a youth attempts to send contraband to a youth that would be a violation of law or that creates a safety or security risk. When such a notice has been issued, all future mail from the sender will be returned, regardless of content. The notice of stopped mail will include a time period up to six months after which the person may submit a request to resume correspondence with the youth.

(g) **Notice of Returned Mail and Opportunity for Review.**

- (1) Youth will receive notice of incoming mail that is returned to the sender and outgoing mail that is not deposited for delivery. The notice to youth will describe the mail and the reasons for its return in sufficient detail to permit effective use of the youth grievance process.
- (2) Senders of incoming mail that is returned may request the reasons for the mail's return. TJJD stamps the returned mail envelope with the reason for its return or the telephone number to contact for this information.

(h) **Returned and Stopped Mail Review Procedure.**

A youth or a person corresponding with a youth who has had his/her mail returned or received notice of stopped mail may request a review of the action by filing a grievance under [§380.9331](#) of this title.

(i) **Postage and Time of Delivery.**

- (1) There is no limit on the number or length of incoming or outgoing letters. Postage and stationery is furnished to all youth for at least three one-ounce domestic letters per week. Additional postage and stationery are provided for letters to attorneys or courts, as needed.
- (2) Excluding weekends, national and state holidays, and other days on which agencies are closed or skeleton crews are required:
 - (A) incoming letters are distributed to the youth within 24 hours and packages are distributed within 48 hours; and
 - (B) outgoing letters are deposited for delivery within 24 hours after a staff member receives the letter from the youth.
- (3) First-class letters and packages are forwarded to:
 - (A) a youth's assigned placement following transfer or release; or
 - (B) a youth's address on file following discharge.

See [INS.55.05](#) for implementation procedures.