

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Behavior Management and Youth Discipline Division: Behavior Management <b>Rule: Rules and Consequences for Youth on Parole</b>  ACA: N/A Statutes: HR Code §244.005, §245.051	<b>Effective Date: 10/1/15</b>  Page: 1 of 2  Replaces: GAP.380.9504, 9/1/09
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**RULE**

(a) **Purpose.**

This rule establishes the actions that constitute violations of the rules of conduct youth are expected to follow while under parole supervision. Violations of the rules may result in disciplinary consequences, including revocation of parole, that are proportional to the severity and extent of the violation. Appropriate due process must be followed before imposing consequences.

(b) **Applicability.**

- (1) This rule applies to youth on parole status who are assigned to a home placement.
- (2) For parole revocation purposes, this rule also applies to youth on parole status who are assigned to a residential placement as a home substitute. However, this rule does not apply to the daily rules of conduct for these youth. For the daily rules of conduct, see [§380.9503](#) of this title.

(c) **General Provisions.**

- (1) Conditions of parole are provided to the youth before release on parole.
- (2) Conditions of parole, including the rules of conduct, are reviewed with the youth when they initially meet with their parole officers and at other times as necessary.
- (3) Repeated violations of any rule of conduct may result in more serious disciplinary consequences.

(d) **Parole Rule Violations.**

It is a violation to knowingly violate, attempt to violate, or help someone else violate any of the following:

- (1) **Abscond**--leaving a home placement or failing to return from an authorized leave without permission of the youth's parole officer and the youth's whereabouts are unknown to his/her parole officer.
- (2) **Escape**--leaving a high- or medium-restriction residential placement without permission or failing to return from an authorized leave.
- (3) **Failure to Comply with Sex Offender Conditions of Parole**--intentionally and knowingly failing to comply with one of the following conditions present in the youth's sex offender conditions of parole addendum:
  - (A) do not have unsupervised contact with children under the age specified by the conditions of parole;
  - (B) do not babysit or participate in any activity where the youth is responsible for supervising or disciplining children under the age specified by the conditions of parole; or
  - (C) do not initiate physical contact or touching of any kind with a child, victim, or potential victim.
- (4) **Possession of a Weapon**--possessing a weapon or item(s) that has been made or adapted for use as a weapon.

- (5) **Use of Unauthorized Substances**--using an unauthorized substance or intoxicant including controlled substances or intoxicants (including alcohol and tobacco if the youth is underage), medications not prescribed for the youth by authorized medical or dental staff, or similar intoxicants.
  - (6) **Refusing a Drug Screen**--refusing to take a drug screen when requested to do so by staff or tampering with or contaminating the urine sample provided for a drug screen.
  - (7) **Repeated Non-Compliance with a Written, Reasonable Request of Staff**--failing on two or more occasions to comply with a specific condition of release under supervision and/or a specific written, reasonable request of staff. If the expectation is daily or weekly, the two failures to comply must be within a 30-day period. If the expectation is monthly, the two failures to comply must be within a 60-day period.
  - (8) **Tampering with Monitoring Equipment**--a youth intentionally and knowingly tampers with monitoring equipment assigned to any youth.
  - (9) **Violation of Any Law**--violating a federal or state law or municipal ordinance.
- (e) **Possible Consequences.**
- (1) A parole rule violation may result in a Level I hearing or a Level III hearing conducted in accordance with [§380.9551](#) or [§380.9557](#) of this title, respectively. Parole officers are encouraged to be creative in determining a consequence appropriate to address and correct the youth's behavior. All assigned consequences should be related to the misconduct when possible.
  - (2) Consequences through a Level III hearing for a youth on parole include, but are not limited to:
    - (A) **Verbal Reprimand**--conference with a youth including a verbal reprimand drawing attention to the misbehavior and serving as a warning that continued misbehavior could result in more severe consequences. A verbal reprimand may not be considered as a less severe disciplinary consequence for the purpose of parole revocation.
    - (B) **Curfew Restriction**--an immediate change in existing curfew requirements outlined in the youth's conditions of parole.
    - (C) **Community Service Hours**--disciplinary assignment of a specific number of hours the youth is to perform community service in addition to the hours assigned when the youth was placed on parole. In no event may more than 20 community service hours be assigned through a Level III hearing.
    - (D) **Increased Level of Supervision**--an assigned increase in the number of primary contacts between the youth and parole officer in order to increase the youth's accountability.
    - (E) **Electronic Tracking**--assignment to a system that electronically tracks a youth's movement and location.
    - (F) **Writing Assignment**--an assignment designed for the youth to address the misbehavior and identify appropriate behavior in similar situations.
  - (3) Consequences through a Level I hearing for a youth on parole, including youth assigned to a residential placement as a home substitute, include:
    - (A) parole revocation and placement in any high- or medium-restriction program operated by or under contract with the Texas Juvenile Justice Department; and
    - (B) assignment of a length of stay consistent with [§380.8525](#) of this title.
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