Texas Administrative Code

Title 37
Part 11
Texas Juvenile Justice Department

Chapter 342   Standards for Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities

§342.1 Authority to House Out-of-State Juveniles

The only entities other than the state authorized to operate a pre-adjudication secure detention facility, post-adjudication secure correctional facility, or non-secure correctional facility in this state to house juveniles convicted of offenses committed against the laws of another state or the United States are:

(1) a governmental unit in this state; or

(2) a private vendor operating a pre-adjudication secure detention facility, post-adjudication secure correctional facility, or non-secure correctional facility under a contract with a governmental unit in this state.

§342.2 Registration and Standards Compliance

(a) Prior to receiving out-of-state juveniles, each facility must:

(1) be registered with the Texas Juvenile Justice Department (TJJD) in accordance with the requirements in the Texas Family Code §§51.12, 51.125, and 51.126;

(2) possess written certification of suitability in accordance with the requirements in the Texas Family Code §§51.12, 51.125, and 51.126; and

(3) adhere to the rules (i.e., standards) in Chapters 343, 344, 345, 355, and 358 of this title.

(b) A facility housing out-of-state juveniles must identify the out-of-state populations served when registering the facility with TJJD.

§342.3 Contracts with Other States for Housing Non-Texas Juveniles

The authorizing governmental unit must ensure that there is a written and fully executed annual contract with each out-of-state entity that sends juveniles to the Texas facility. At a minimum, the contract must:

(1) require that all juveniles confined pursuant to the contract be released within the jurisdiction of the sending entity;

(2) require the out-of-state entity to provide the following information before transferring the juvenile:

(A) the juvenile’s record of institutional violence, escape, attempted escape, suicidal and self-harming behaviors, and sexually aggressive behaviors;

(B) all appropriate medical information of the juvenile, including certification for tuberculosis screening or treatment;

(C) all appropriate and available mental health information for the juvenile; and

(D) all appropriate and available education information for the juvenile.