

**TEXT OF STANDARD**

**Subchapter:** A - Definitions

§341.1 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Alleged Victim--A juvenile alleged as being a victim of abuse, exploitation or neglect.
- (2) 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.
- (3) Commission--The Texas Juvenile Probation Commission.
- (4) Juvenile Justice Program--A non-residential program operated for the benefit of juveniles referred to a juvenile probation department that is either directly administered by the juvenile probation department, or is operated under contract with a juvenile board. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Texas Juvenile Probation Commission.
- (5) Referral--A referral to the juvenile court for conduct defined in Texas Family Code §51.03 that results in a face-to-face interview between the juvenile and the authorized staff of the juvenile probation department.

**COMMENTARY**

**Discussion and Interpretation:**

This section contains definitions of terms that are used throughout this chapter. These definitions will not be monitored independently but will be monitored within the context of the standard wherein the definition appears.

The definition of juvenile justice program under Subsection 4 above supplements the definition of juvenile justice program in the Texas Family Code Section 261.405(a)(2). "Juvenile justice program" means a program operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:

- (A) a juvenile justice alternative education program; and
- (B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court.

Juvenile justice alternative education programs are defined in Texas Education Code Section 37.011.

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

**METHODOLOGY**

**Compliance Methodology:**

N/A

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 0 - Not Monitorable

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.1

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Education Code Section 37.011 -  
Juvenile Justice Alternative Education  
Program.

Texas Family Code Section 51.03 - Delinquent  
Conduct; Conduct Indicating a Need for  
Supervision.

Texas Family Code Section 261.405(a)(2) -  
Definition of Juvenile Justice Program.

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

## §341.2 Administration.

## (a) Local Juvenile Probation Services Administration.

(1) The juvenile board shall employ a chief administrative officer for each autonomous juvenile probation department.

## COMMENTARY

**Discussion and Interpretation:**

Each juvenile probation department shall be headed by a single chief administrative officer appointed by and under the authority of the juvenile board. The formal title given to this person is a matter of local choice but the most common title is chief juvenile probation officer. The term "employ" shall mean when a juvenile board hires an individual as the chief administrative officer and the individual is a county employee as well as those situations where a juvenile board hires an individual via a contract.

This standard does not prohibit the same individual from being employed as the chief administrative officer in multiple jurisdictions or multi-county departments. Multiple jurisdictions refers to when two or more autonomous county juvenile boards employ the same chief administrative officer. Multi-county departments are departments that are run by one juvenile board that employs a single chief administrative officer over all counties under their authority.

The designation of the chief administrative officer by the juvenile board shall be conducted in compliance with the Texas Open Meetings Act. All chief administrative officers (acting or interim) shall meet the qualifications for employment as identified in Section 341.20 of this chapter.

The State Financial Assistance Contract (SFAC) is the primary contractual document between the Commission and local juvenile boards that allocates grant funds. Juvenile boards that contract with the Commission are required to identify their chief administrative officer in the written contract. Any change in this designation shall be reported in writing to the Commission's Fiscal Division within ten (10) calendar days of the change. If a juvenile board appoints an interim or acting chief administrative officer because of a job vacancy, it is the juvenile board's responsibility to notify the Commission of this change. A department's notification of a change in the designated chief administrative officer will be accepted for compliance. At no time can a department be without a chief or interim chief administrative officer. If a juvenile board, at any time, does not employ a chief administrative officer or appoint an acting chief administrative officer, the department will be out of compliance with this standard.

If the reviewer determines that the name of the chief administrative officer as designated in the SFAC differs from the individual who is either the chief or acting chief administrator on the day of the scheduled monitoring visit, this situation will be considered a breach of contract unless the ten calendar day period has not elapsed. This information shall be forwarded to the Fiscal Division of the Commission and the Commission will issue a Non-Compliance Citation Report (NCCR). The department will be cited by the Commission for being in non-compliance with their contractual obligations.

For chief administrative officers hired prior to 9/1/2003, any written documentation verifying the hiring or appointment of the chief administrative officer or acting chief administrative officer shall be retained in the chief's personnel file. For any chief administrative officer hired or appointed on or after 9/1/2003, juvenile board minutes, resolution or other written documentation approving the hiring or the appointment of the chief administrative officer shall be retained in the chief administrative officer's personnel file.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the scheduled monitoring visit, review the Designation of Key Personnel Spreadsheet submitted in the SFAC for the current fiscal year to determine the name of the designated chief administrative officer.
2. During the monitoring visit, review the chief administrative officer's or acting chief administrative officer's personnel file to determine employment status. The reviewer will verify:
  - a. written documentation of employment in the position of chief administrative officer if hired prior to 9/1/2003; or
  - b. juvenile board minutes, resolution or other written documentation approving the hiring or appointment of the chief administrative officer, if hired or appointed as acting chief administrative officer on or after 9/1/2003.

**Verification Documents:**

1. State Financial Assistance Contract (SFAC):
  - a. Designation of Key Personnel Spreadsheet
2. Chief administrative officer's personnel file:
  - a. Juvenile board minutes, resolution or other written documentation
  - b. Job description

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

Designation of Key Personnel Spreadsheet [TJPC-FIS-31-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.2(a)(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

State Financial Assistance Contract (SFAC)

Texas Government Code Chapter 551 - Open Meetings Act

37 TAC Section 341.20 - Qualifications For Employment

**Board Opinion:****RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** True**Reviewer Preparation Checklist:**

Prior to the scheduled monitoring visit, review the Designation of Key Personnel Spreadsheet submitted in the State Financial Assistance Contract (SFAC) for the current fiscal year to determine the name of the designated chief administrative officer. Note the name of chief administrative officer in the Reviewer Workbook.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False



## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

§341.2 Administration.

(a) Local Juvenile Probation Services Administration.

(2) The juvenile board shall specify the responsibilities and functions of the juvenile probation department as well as the authority, responsibility, and function of the position of the chief administrative officer.

## COMMENTARY

**Discussion and Interpretation:**

The juvenile board shall approve a policy and procedure manual that clearly identifies the overall responsibilities and functions of the juvenile probation department. The policy and procedure manual, at a minimum, shall include a discussion on the following responsibilities and functions:

- a. Intake
- b. Detention
- c. Juvenile Court Proceedings
- d. Supervision of Juveniles
- e. Files, Records and Data Collection

The juvenile board shall also determine the specific responsibilities, level of authority, and functions of the chief administrative officer and clearly identify these by including them in the department's policy and procedure manual in the form of a written job description specific to the position of chief administrative officer.

When fulfilling these two responsibilities the juvenile board shall comply with the Texas Open Meetings Act as codified in Texas Government Code Chapter 551. This Act states that meetings of governmental bodies must be open to the public, except for expressly authorized executive sessions, and that the public must be given notice of the time, place, and subject matter of meetings of governmental bodies. To be legally binding and enforceable, any action of a juvenile board must occur in a posted, open meeting that complies with the requirements of the Open Meetings Act. A quorum of the juvenile board is required to be present before the board may act. Documentation of the action must be reflected in the meeting minutes, formal written resolutions, or other written documentation. The juvenile board may act to authorize the chairperson of the board to take certain actions on behalf of the board as long as the initial action meets the requirements of the Open Meetings Act and is so documented.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile board minutes, resolution or other written documentation, approving the juvenile probation department's policy and procedure manual.
2. Review the department's policy and procedure manual for:
  - a. Responsibilities and functions of the juvenile probation department; and
  - b. Job description and/or responsibilities of the chief administrative officer.

**Verification Documents:**

1. Juvenile board minutes, resolution or other written documentation
2. Policy and procedure manual
  - a. Job description of chief administrative officer
  - b. Policies and procedures on required topics

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

All policy and procedure manuals should include policies and procedures pertaining to all facets of the operation of a juvenile probation department.

Juvenile boards should conduct a total review of the juvenile probation department's policy and procedure manual in its entirety at least every two years or more frequently if significant changes are made.

As part of the juvenile board's responsibilities, it should ensure that adequate office space is provided for all juvenile probation personnel and that the probation department is provided with a private office or a place for interviewing and counseling clients. The juvenile board should also make sure that the juvenile probation department offices are located in areas that are reasonably accessible to children, families and the general community. In addition to this, the juvenile board should ensure that each office has adequate lighting, air conditioning, heating, telephones, furniture, equipment and square footage so that the departmental staff can effectively conduct their duties.

The juvenile board should provide adequate support services and staff in order to assist the department in the performance of their duties and responsibilities.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.2(a)(2)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.9 - Policy and Procedure Manual

Texas Government Code Chapter 551 - Open Meetings Act

**Board Opinion:**

RFI Opinion:

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

**TEXT OF STANDARD**

**Subchapter:** B - Juvenile Board Responsibilities

§341.2 Administration.

(a) Local Juvenile Probation Services Administration.

(3) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board shall ensure that the juvenile probation department policies, programs, and procedures are clearly differentiated.

**COMMENTARY**

**Discussion and Interpretation:**

If juvenile probation services are provided by a department that is combined with a Community Supervision and Corrections Department (i.e., CSCD, adult probation) there shall be a separate and distinct policy and procedure manual specific to juvenile services.

Though the two disciplines share many common characteristics, the juvenile justice and the criminal justice systems are distinctly different in their philosophy, statutory authorities, duties and responsibilities. These differences demand a separate service delivery system for juveniles.

Combined departments shall not allow adult and juvenile populations to associate with each other during programming, educational instruction, community service, counseling, and group activities, etc. Adult and juvenile populations shall not be combined when transporting to and from any departmental programs.

When a probation department provides services for adults as well as juveniles, the Texas Department of Criminal Justice-Criminal Justice Assistance Division (TDCJ-CJAD) conducts oversight audits of the adult probation services. TDCJ-CJAD promulgates rules that govern adult probation departments. TDCJ-CJAD can be contacted at the following address:

Texas Department of Criminal Justice-Criminal Justice Assistance Division  
Price Daniel Sr. Bldg.  
209 W. 14th St.  
Suite 400  
Austin, Texas 78701  
(512) 305-9300  
www.tdcj.state.tx.us

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Interview the chief administrative officer to determine if the probation department serves both adult and juvenile offenders. If so, the reviewer will determine whether separate policies, programs and procedures are adopted for the juvenile and adult populations.
2. Review the juvenile probation department's policy and procedure manual to verify that no policies pertaining to adult probation services are included.

**Verification Documents:**

1. Policy and procedure manual

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel, and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

**REFERENCE MATERIAL**

**Recommended Best Practices:**

To minimize the contact between juvenile and adult populations, combined probation departments should provide separate waiting areas for probationers. For example, this may be accomplished by creating a time-phased system, such as requiring adults to report on Mondays and Wednesdays, while juveniles report on Tuesdays and Thursdays.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.2(a)(3)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Chapter 163 - CJAD Standards

Code of Criminal Procedure Article 42.12 -  
Community Supervision

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** True

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

## §341.2 Administration.

(b) Referral Ratio. The juvenile board shall employ at least one certified juvenile probation officer for each 100 referrals made to the juvenile probation department annually.

## COMMENTARY

**Discussion and Interpretation:**

For every 100 formal referrals, the juvenile probation department shall employ at least one certified juvenile probation officer. The number of formal referrals is based upon electronic data submitted to the Commission. The referral ratio will be determined on a calendar year basis using the Commission's Annual Statistical Activity Report prepared by the Research and Statistics Division. This standard is designed to help ensure that juvenile probation departments have a minimum number of certified juvenile probation officers to deliver an effective and efficient continuum of services for juveniles.

The ratio identified in the standard is specific only to the number of formal referrals a juvenile probation department receives and is not to be construed or applied as a supervision ratio (i.e., the number of juveniles under a single juvenile probation officer's supervision). The referral ratio can include juvenile probation officers without specific juvenile supervision and/or caseload responsibilities. Additionally, certified juvenile probation officers with administrative and/or managerial responsibilities can be included in this ratio. Juvenile detention officers who are certified as juvenile probation officers, will also count toward the referral ratio.

Juvenile probation officers who are not yet certified by the Commission may count in the referral ratio if certain conditions are met. If a juvenile probation officer has been employed with the department for less than 180 calendar days and is pursuing the Commission's certification, the officer will be included in the referral ratio calculation if:

1. The officer is performing any of the duties of a certified juvenile probation officer as detailed in Section 341.29(a) and the officer has received all the applicable training as required by Section 341.29(b); or
2. The officer is not performing any of the duties of a certified juvenile probation officer as detailed in Section 341.29(a).

An uncertified juvenile probation officer that has been employed for longer than 180 calendar days will not count toward the referral ratio calculation. A non-compliance citation in this standard may also require a non-compliance to be cited in Section 341.29 of this chapter.

Departments with 1 to 100 formal juvenile referrals will be required to employ at least one certified juvenile probation officer. Departments with 101 to 200 formal referrals will be required to employ at least two certified juvenile probation officers. The requirement for two certified juvenile probation officers will apply even when the department's formal referral count is at 101. This example and application will follow for every increment of 100 referrals.

Referrals are defined in Section 341.35(6) of this chapter. A formal referral occurs when all three of the following conditions exist:

- a. delinquent conduct, conduct indicating a need for supervision or violation of probation was allegedly committed;
- b. the juvenile probation department has jurisdiction and venue; and

c. either a face-to-face contact occurs with the office or official designated by the juvenile board or written or verbal authorization to detain is given by the office or official designated by the juvenile board.

The Commission has created multiple types of referrals within the CASEWORKER/5 system to differentiate a referral's origination; however, only two referral types, formal referral (FM) and paper formalized (PF), will be addressed within this subsection. The criteria of a formal referral has been addressed above. Paper formalized referrals occur when a paper complaint (also called a paper referral) is originated within a juvenile probation department. A paper complaint (PA) is a complaint that originates when the department receives paperwork from law enforcement for an alleged offense, but the probation department does not see the juvenile or take the juvenile into custody at that time. When the paper complaint (PA) becomes formalized (meaning face-to-face contact occurs as a result of the paper complaint), both the referral type and the referral date must be changed in the CASEWORKER/5 system (or county computerized systems). The referral type PA shall be changed to paper formalized (PF), and the referral date shall be the date of the face-to-face contact with the juvenile.

Determining whether or not a referral type occurs can sometimes be difficult; therefore, a more detailed definition of a referral along with examples has been written. For a copy of this definition, contact the Commission via the CASEWORKER/5 e-mail address at [caseworker@tjpc.state.tx.us](mailto:caseworker@tjpc.state.tx.us).

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, review the most current Commission's Annual Statistical Activity Report to determine the official number of formal referrals for the department.
2. On the day of the monitoring visit, review the Commission's Automated Certification Information System (ACIS) via the Internet to determine the current number of certified juvenile probation officers employed for the department on the day of the monitoring visit.
3. Divide the total number of formal referrals by 100 to determine the minimum number of certified juvenile probation officers required to be employed by the department.
4. Compare the calculated required minimum number of certified juvenile probation officers with the number of certified juvenile probation officers listed in ACIS.

5. If the number of employed certified juvenile probation officers is less than the calculated required minimum number of juvenile probation officers, determine whether sufficient officers are pending certification. The reviewer will determine whether the length of employment and minimum training requirements of Section 341.29(b) are met by reviewing the appropriate number of juvenile probation officer personnel files.

The reviewer may:

1. Interview identified juvenile probation officers who are pursuing certification regarding whether the officer is performing the duties of a juvenile probation officer.

**Verification Documents:**

1. TJPC Annual Statistical Activity Report
2. TJPC Automated Certification Information System (ACIS)
3. Juvenile probation personnel/training files

### METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 20

**Scoring Methodology:** 0 or 10

**Level:** Level 2 - Provision of Services

### REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.2(b)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

- 37 TAC Section 341.20 - Qualifications For Employment
- 37 TAC Section 341.29 - Duties of a Certified Juvenile Probation Officer
- 37 TAC Section 341.35(6) - Definitions
- 37 TAC Section 341.60 - TJPC Monthly Folder Extract

**Board Opinion:**

**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:**  
True

**Reviewer Preparation Checklist:**

Prior to the monitoring visit, review the most current Commission's Annual Statistical Activity Report to determine the official number of formal referrals for the department and note the number of formal referrals in the Reviewer Workbook.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** True

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

**TEXT OF STANDARD**

**Subchapter:** B - Juvenile Board Responsibilities

§341.2 Administration.

(c) Participation in Community Resource Coordination Groups.

(1) Juvenile boards shall participate in the system of community resource coordination groups and the procedures in the memorandum of understanding adopted in §349.69 of this title.

(2) The chair of the juvenile board, or the chair's designee shall serve as representative to the interagency dispute resolution process described in the memorandum of understanding.

**COMMENTARY**

**Discussion and Interpretation:**

This standard requires juvenile boards to participate in the system of Community Resource Coordination Groups (CRCG) as described in the memorandum of understanding regarding Coordinated Services for Multi-Problem Youth and Children as detailed in Section 349.69 of this title. The juvenile board shall either serve or appoint a designee to represent the board in an interagency dispute resolution process that is described in the memorandum of understanding. The standard also requires the chair of the juvenile board or the chair's designee to serve as a representative to the interagency dispute resolution process.

Pursuant to the Texas Government Code, Subchapter B, Chapter 531, Section 531.055 and 37 Texas Administration Code Section 349.69, the Commission has entered into a memorandum of understanding with the Texas Health and Human Service Commission (HHSC), the Texas Council on Offenders with Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Education Agency, the Texas Workforce Commission, and the Texas Youth Commission. The memorandum provides for the implementation of a statewide system of county-based, interagency CRCGs to coordinate services for persons of all ages, including children, youth, and adults needing multi-agency services, defined as persons with complex needs. This memorandum requires the agencies (to the extent otherwise permitted by law), the local CRCGs, and the HHSC to work together to ensure that the strategic plan for delivering health and human services in Texas includes appropriate plans for delivering coordinated services to persons with complex needs.

The mission of the CRCGs in Texas is to provide a mechanism which enables local public and private agencies, organizations, and families to work together in collaboration to meet the needs of individuals that no one agency can meet. The primary function of local CRCGs is to develop coordinated individual service plans for persons with complex needs agreed upon by members of the group and the consumers, caregivers, and families served. However, an agency shall exhaust its regular avenues for accessing services before referring an individual to a local CRCG. Collateral functions of local CRCGs may include identifying gaps in the service delivery systems or barriers to accessing services, collecting and sharing available data regarding consumers, and establishing relationships among local service providers for collaboration outside of the local CRCG setting.

When a local CRCG considers an out-of-home placement for a child, the group will also engage in a permanency planning process that focuses on family support by facilitating a permanent living arrangement focusing on an enduring and nurturing parental relationship. Similarly, when an out-of-home placement is considered for an adult, the group will also engage in a planning process that facilitates an ongoing living arrangement that meets the consumer's needs and desires.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Interview the chief administrative officer regarding the operation and level of participation of the juvenile board in the CRCG system.

The reviewer may:

1. Review the CRCG agenda and/or minutes, resolution, or other written documentation for the 12 month period immediately preceding the monitoring visit
2. Interview the juvenile board chair regarding participation in the CRCG process.
3. Verify the juvenile board designation of the representative for the interagency dispute resolution process by reviewing juvenile board minutes, resolution or other written documentation.

**Verification Documents:**

1. CRCG agenda and/or minutes
2. Juvenile board minutes, resolution or other written documentation

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 2 - Provision of Services

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.2(c)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.10 - Participation in the CRCG  
 37 TAC Section 349.69 - Memorandum of Understanding  
 Texas Government Code Section 531.055 - Memorandum of Understanding  
 www.hhsc.state.tx.us/crcg.htm - HHSC/CRCG website

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
 N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
 N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** True  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** True  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

## §341.2 Administration.

(d) Notice of Complaint Procedures. The juvenile board shall post the sign provided by the Commission relating to complaint procedures in a public area of:

- (1) the juvenile probation department; and
- (2) any facility operated by the juvenile board, or operated by a private entity through contract with the juvenile board.

## COMMENTARY

**Discussion and Interpretation:**

As a public entity, a juvenile probation department has an inherent responsibility to ensure that citizens are aware of the juvenile probation department's programs and services and the process required to lodge complaints at the local and state level about probation department's programs, services and practices. To help facilitate this awareness, the juvenile board shall ensure that the Commission's Notice to Clients is posted in a public area of the juvenile probation department and all programs or facilities operated by or under the authority of the juvenile board. These programs and facilities include, but are not limited to, juvenile probation department offices (primary and satellite offices), secure juvenile detention and correctional facilities (pre- and post-adjudication as well as private and public), non-secure residential facilities, boot camps, day reporting centers, and juvenile justice alternative education programs. Although the physical description and location of a public area may differ greatly from one program to another, public areas are typically those areas that have public access with limited security measures or obstacles. The following are considered public areas: waiting areas, lobbies, reception areas, facility visitation areas, check-in windows and/or desks, foyers, and entrance hallways.

A copy of the Commission's Notice to Clients template can be obtained on the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us) or by calling TJPC at 512-424-6700. Prior to posting the notice, the template must be customized to include the name, address, and phone number of the person designated to receive complaints (i.e., the juvenile board chair or his/her designee) within the applicable jurisdiction. The notice shall be posted in both English and Spanish text versions in a manner which ensures it will be clearly visible to the public (i.e., the notice shall not be covered by any other postings or notices that would hinder visibility). The notice shall be amended when appropriate to reflect any and all changes in the complaint designee and the contact information.

It is the responsibility of a county juvenile board to ensure the posting of the Notice to Clients in any facilities operated by the juvenile board or operated by a private entity through a contract with the juvenile board. If the notice is not posted in a facility located within the juvenile board's jurisdiction, the county juvenile probation department will be cited for non-compliance with this standard.

The Commission is mandated to investigate public complaints against juvenile boards pursuant to the Texas Human Resources Code Section 141.049.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Observe any public areas of the probation department and facilities associated with the department for posting of the TJPC Notice to Clients in English and Spanish. The notices must be clearly visible.
2. Observe that the required name, address, and phone number of the juvenile board chair or designee has been provided on the notices.

**Verification Documents:**

1. Posted TJPC Notice to Clients (English and Spanish versions)

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel, and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

In addition to the mandated complaint process posting requirement, a juvenile board and its juvenile probation department should provide individual copies of the Commission's complaint brochure entitled, "Complaints Involving Juvenile Probation Programs and Services in Texas", directly to its primary and collateral client bases (e.g., juveniles, their parents, victims, law enforcement entities, schools, social service agencies, attorneys, etc.). Making the complaint procedures readily available to these populations would demonstrate a pro-active position in attempting to ensure open access to complaint procedures and an added level of department and program accountability.

The complaint process brochure provided by the Commission can be downloaded from the website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us) or by calling the Commission at 512-424-6700. This brochure explains to the public how to resolve a complaint with the local probation department and how to file a complaint with the Commission.

A juvenile board and department should assess its client and jurisdiction demographics in an effort to identify any other significant population segment which is non-English or non-Spanish speaking to determine the need to translate the complaint procedures notice and complaint process brochure into an additional language or languages.

**Sample Form(s):**

Notice to Clients - English Version [TJPC-FS-07-04]

Notice to Clients - Spanish Version [TJPC-FS-08-04]

Complaints Involving Juvenile Probation Programs and Services in Texas Brochure - English Version [TJPC-FS-09-04]

Complaints Involving Juvenile Probation Programs and Services in Texas Brochure - Spanish Version [TJPC-FS-10-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.2(d)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Human Resources Code Section 141.049 - Complaints Relating to Juvenile Boards

**Board Opinion:****RFI Opinion:****EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION****Program Tour:** True**Policy and Procedure:** False**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
 N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
 N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

Four horizontal lines for listing primary supporting documentation.

Secondary Documentation:

Four horizontal lines for listing secondary supporting documentation.

- Compliance
Non-Compliance
Develop Program Improvement Plan
Request Waiver
Request Variance
Need Policy and Procedure
Need Training
Standard Non-Applicable

Comments:

Five horizontal lines for providing comments.

Date Reviewed:

Department Reviewer Name:

## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

## §341.3 Policy and Procedures.

(a) Personnel Policies. The juvenile board shall adopt written personnel policies. These personnel policies shall include but not be limited to:

- (1) a salary scale for all juvenile probation officers; and
- (2) the provision for juvenile probation officers to receive all applicable benefits and allowances given to county employees.

## COMMENTARY

**Discussion and Interpretation:**

The juvenile board shall adopt written personnel policies for the juvenile probation department that include a salary scale for all juvenile probation officer positions. Compliance with this standard will require that the jurisdiction have a written scale, which identifies probation officer positions by classification or group and includes accompanying steps or levels. Each step or level must have an assigned salary identified. There are no requirements for how many steps or levels must be included in the salary scale. All probation officer positions (including the chief administrative officer and any supervisory positions) shall be included in the salary scale. The standard does not require that non-probation officer positions (e.g., counselors, clerical, etc.) be included in the scale.

The department's written personnel policies shall also include a provision for juvenile probation officers to receive the benefits and allowance packages that are provided to any other county employee (or the employees of the lead county in multi-county departments). A juvenile board may elect to provide its probation officers with benefits which exceed the county's package, but in no case shall a juvenile probation officer be denied a benefit which a county employee is eligible to receive.

Benefits and allowances are not restricted to financial compensation but include related insurance plans and coverage, including but not limited to health, dental, life, short/long term disability and accidental death and dismemberment. Benefits also include traditional county employee retirement plans (i.e., Texas County and District Retirement System), as well as any county coordinated ancillary retirement or investment plans (e.g., 401-K plans, 457 plans, etc.). Cost of living raises, sick leave, vacation, holiday allowances, longevity pay, etc., as well as access to any employee assistance programs, are considered benefits.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, request written documentation from the county or probation department human resources coordinator, county commissioner's court or county auditor on official letterhead certifying that juvenile probation officers receive all applicable benefits and allowances provided to county employees.
2. Interview the chief administrative officer regarding the equality of benefits and allowances provided to the juvenile probation officers and county employees.
3. Review the juvenile probation department policy and procedure manual for a salary scale or policy.
4. Review policy and procedure manual for a provision requiring juvenile probation officers to receive all applicable benefits and allowances given to county employees.
5. Review juvenile board minutes, resolution or other written documentation approving the juvenile probation department policy and procedure manual, regarding provisions related to salary scale and benefits.

**Verification Documents:**

1. Letter verifying the equality of benefits and allowances
2. Policy and procedure manual
  - a. Salary scale
  - b. Salary policy
  - c. Benefits provision
3. Juvenile board minutes, resolution or other written documentation

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

Juvenile probation officer salaries should be commensurate with the salaries paid to their adult probation officer counterparts. The starting salary for entry-level juvenile probation officers should be no less than the entry-level salary for the jurisdiction's adult probation officers. Salary parity is a necessary goal given that each of the two professions are officers of the court with similar job duties and each is required to possess similar education, training and certification credentials.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.3(a)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

N/A

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** True**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

Please provide a letter from the county or probation department human resources coordinator, county commissioner's court or county auditor on official letterhead certifying that all benefits and allowance packages provided to county employees are equivalent to those provided to juvenile probation officers.

**Reviewer Preparation Checklist Required:** True**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** True**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

**TEXT OF STANDARD**

**Subchapter:** B - Juvenile Board Responsibilities

§341.3 Policy and Procedures.

(b) Department Policies. The juvenile board shall adopt written department policies and procedures. These policies shall include but not be limited to:

(1) Deferred Prosecution. The deferred prosecution policy shall at a minimum include the following policies:

(A) The maximum supervision fee for deferred prosecution cases is \$15.00 per month.

(B) The monthly fee shall be determined after obtaining a financial statement from the parent or guardian.

(C) The fee schedule shall be based on total parent/guardian income.

(D) The chief administrative officer, or the chief administrative officer's designee shall approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.

(E) A deferred prosecution fee shall not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.

**COMMENTARY**

**Discussion and Interpretation:**

The juvenile board shall approve written department policies and procedures for the juvenile probation department's deferred prosecution fee assessment and collection process. Section 53.03 of the Texas Family Code requires the Commission to provide deferred prosecution fee guidelines. This standard establishes the Commission's guidelines for collecting fees under a deferred prosecution program.

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

Commission standards do not require a probation department to charge a fee in their deferred prosecution program. If the department does not charge supervision fees, there shall be a policy in a department's policy and procedure manual stating that the department does not collect fees under their deferred prosecution program. If the department elects to collect fees, the board's written policies and procedures must address the following provisions:

1. Supervision fees shall not exceed \$15.00 per month;
2. Prior to assessing the fee, a written statement verifying the annual income from the parent shall be obtained to assist in the determination of the appropriate fee (i.e., parental financial statement);
3. The department shall have a supervision fee schedule which sets out guidelines for how much a juvenile is required to pay per month to the department for supervision fees;
4. The supervision fee shall be determined by the parent's income;
5. The chief administrative officer or his or her designee (i.e., a supervisor of juvenile probation officers) shall, in writing, approve fees assessed on each juvenile, including any waiver of fees. The approval of fees can be included in the deferred prosecution agreement signed by the juvenile, parent and supervising juvenile probation officer;
6. If the juvenile board does not adopt a deferred prosecution fee schedule or rules for waiver, then supervision fees cannot be collected; and

7. If the department does not operate a deferred prosecution program, the department must have written documentation so stating.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile board minutes, resolution or other written documentation adopting department policies and procedures regarding deferred prosecution.

2. Determine if the department requires the payment of deferred prosecution supervision fees.

3. Review the probation department's policy and procedure manual for a policy pertaining to deferred prosecution fees. The reviewer will:

a. Review the policy and procedure manual for all criteria in this standard including a fee schedule and parent financial statement; or

b. If the department does not require deferred prosecution fees to be assessed, verify whether there is a policy prohibiting the assessment of fees for deferred prosecution cases.

**Verification Documents:**

1. Policy and procedure manual
2. Monthly supervision fee schedule
3. Parental financial statement
4. Juvenile board minutes, resolution or other written documentation

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.3(b)(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Section 53.03 - Deferred Prosecution  
 37 TAC Section 341.2(a)(2) - Local Juvenile Probation Services Administration

**Board Opinion:**

RFI Opinion:

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False**Policy and Procedure:** True**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** B - Juvenile Board Responsibilities

## §341.3 Policy and Procedures.

(b) Department Policies. The juvenile board shall adopt written department policies and procedures. These policies shall include but not be limited to:

(2) Volunteers and Interns. If a juvenile probation department has or develops a volunteer or internship program, the juvenile board at a minimum shall adopt the following policies for the volunteer and internship program:

(A) a description of the authority, responsibility and accountability of volunteers and interns who work with the department;

(B) performance of a Texas criminal history background search (TCIC);

(C) performance of a local law enforcement sex offender registration records check in the city or county where the volunteer or intern resides;

(D) selection and termination criteria including disqualification based on criminal history;

(E) orientation and training requirements including training on reporting abuse, exploitation and neglect;

(F) a requirement that volunteers and interns meet minimum professional requirements; and

(G) a provision for a volunteer and intern sign in log.

intern services once a year unsupervised would still require the department to meet these requirements of this standard.

This standard requires that the juvenile probation department have a written policy, that contains a description of any volunteer's or intern's authority, responsibility and accountability. This will help ensure that volunteers are afforded the immunity provided in the Volunteer Protection Act, 42 United States Code Section 14501 et. seq. The Volunteer Protection Act is a federal law that gives immunity to volunteers provided that the volunteer acted within the scope of the volunteer's authority. The description of authority is similar to a job description. The Volunteer Protection Act does not cover the volunteer's use of a motor vehicle or instances where the volunteer is required to have professional licensing or credentialing as mandated by law.

**Responsibilities and Authority**

The probation department's policy and procedure manual shall contain descriptions of the scope, responsibilities and limited authority of participating volunteers and interns. The purposes and goals of the program and the structure within which the volunteer or intern will work must be well defined.

## COMMENTARY

**Discussion and Interpretation:**

Volunteers and interns can provide invaluable services to a probation department. However, the use of volunteers and interns creates another area of potential legal liability for both the juvenile probation department and the juvenile board. In an effort to provide minimum protections for juvenile probation departments, volunteers, interns and juveniles, this standard requires that juvenile boards adopt formal written policies and procedures relating to volunteers and interns. Commission standards do not require the use of volunteers and interns, but simply establish minimum requirements for those juvenile probation departments that do engage volunteers and interns.

Volunteers are individuals agreeing to perform services without compensation. Interns are individuals performing services for the juvenile probation department through a formal internship program that is part of an approved course of study through an accredited college or university or sponsored by a juvenile justice agency. A juvenile justice agency is defined as an agency that has custody or control over juvenile offenders as defined in the Texas Family Code Section 58.101.

The requirements of this standard apply to any volunteer or intern who has regular or periodic supervised contact with juveniles at the juvenile probation department or at any program operated under the authority of the juvenile board. The standard also applies to any volunteer or intern who has any unsupervised contact with a juvenile or juveniles regardless of the frequency of contact.

Unsupervised contact refers to a volunteer or intern working with a juvenile without direct supervision by any departmental staff. Periodic contact is defined as contact which occurs more than once a year. An example of periodic contact would be performing supervised volunteer work on a monthly or quarterly basis. Regular contact is performing supervised volunteer or intern work on a weekly or bi-weekly basis. This standard does not apply to an individual who performs volunteer services once a year under the supervision of departmental staff. Performing volunteer or

**Criminal History Background Check**

The department's policy must include the requirement of the completion of a Texas criminal history background search (Texas Crime Information Center) and local sex offender registration check for each volunteer and intern. The criminal history checks and the local sex offender registration background checks must be returned at least one day prior to the volunteer's or intern's first day of service.

**Selection and Termination Criteria**

The policy must include detailed selection and termination criteria including assessment of criminal history information. Commission standards do not prohibit a department from securing volunteers and interns with a criminal history. However, standards do require that written policies detail how criminal history information is used to identify the disqualifying criminal offenses that would prohibit an individual from being a volunteer or intern.

**Orientation and Training**

Policy must include specific training requirements of reporting the abuse, exploitation, and neglect of juveniles per statute and Commission standards. The orientation and training requirements in this standard are pre-service specific and both must be completed prior to the volunteer or intern assuming their responsibilities.

## Professional Volunteer and Interns

This standard applies to individuals who possess some type of professional licensing and/or credentialing and who are participating in a capacity directly related to their licensing/credentialing. Examples of a professional would be a volunteer or intern who is a Licensed Professional Counselor (L.P.C.), a Licensed Vocational Nurse (L.V.N.) and a Licensed Social Worker (L.S.W.), etc. Department policies shall require that an individual's professional license (certification, accreditation, etc.) is current and in good standing with the appropriate regulatory agency. Any individual working towards their licensure who receives a temporary license, would meet the requirements of this standard (e.g., an L.P.C. working toward their required hours of counseling, etc.).

## Sign-in Requirements

Policy and procedure shall require the department to maintain and retain a sign-in log for the volunteers and interns to document specific aspects of their activities within a department or program. The log shall document the name of the volunteers or intern, the date of the service and the beginning and ending time of service performed for the department or program. A department may elect to utilize a log that is specific to an individual volunteer or intern or it may utilize a log that pertains to all volunteers and interns.

Two organizations that are helpful resources regarding the use of volunteers:

Volunteers of America  
www.voa.org

Texas Commission on Volunteerism and Community Service  
www.txserve.org

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile board minutes, resolution or other written documentation approving the juvenile probation department's policy on the use of volunteers and interns.
2. Review the juvenile probation department's policy and procedure manual for policies regarding the use of volunteers and interns.
3. Review the current volunteer and intern sign-in log(s) beginning 9/1/2003 or for the 12 month period immediately preceding the monitoring visit, whichever timeframe is shorter.

**Verification Documents:**

1. Juvenile board minutes, resolution or other written documentation
2. Policy and procedure manual
3. Volunteer and intern sign-in log(s)

**METHODOLOGY****Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL****Recommended Best Practices:**

If a volunteer or intern has any unsupervised contact with juveniles, a fingerprint-based National Crime Information Center (NCIC) criminal history check should be completed prior to beginning any unsupervised contact with juveniles. If a volunteer or intern has more than 40 hours per month of supervised service, a department should conduct the fingerprint-based NCIC check. For detailed information on the process of conducting these criminal histories, refer to the TJPC Certification Guidelines Manual (CGM).

If juveniles, while performing community service, are not under direct supervision of juvenile probation department staff but are being supervised by other individuals or entities, the probation department should utilize organizations that conduct their own criminal history checks (NCIC, TCIC) and local sex offender registration checks on their employees and volunteers.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.3(b)(2)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(a)(2) - Responsibilities of Juvenile Probation Department

42 United States Code Section 14501 et. seq.  
- Volunteer Protection Act

TJPC Certification Guidelines Manual (CGM)

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required: False

Reviewer Preparation Checklist:  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

- Chief Administrative Officer: False
- Professional Staff: False
- Program/Facility Administrator: False
- Juvenile Board Chair: False
- Ancillary Staff: False
- Juvenile: False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

**TEXT OF STANDARD**

**Subchapter:** B - Juvenile Board Responsibilities

§341.3 Policy and Procedures.

(b) Department Policies. The juvenile board shall adopt written department policies and procedures. These policies shall include but not be limited to:

(3) Experimentation. The policy shall at a minimum prohibit a department or juvenile justice program from using juveniles for medical, pharmaceutical, or cosmetic experiments.

**COMMENTARY**

**Discussion and Interpretation:**

The juvenile board shall adopt written policies which specifically prohibit experimentation on juveniles under the jurisdiction of the juvenile department. A juvenile shall not be used in any type of medical, pharmaceutical or cosmetic experiment. Prohibited experimentation includes those experiments conducted by the probation department or any outside entity or individual that has formal access to juveniles under the department's jurisdiction. The prohibition on experimentation extends to experiments in which voluntary consent has been provided by a parent, guardian, custodian and/or the juvenile.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile board minutes, resolution or other written documentation for approval of a policy prohibiting the use of any juvenile in medical, pharmaceutical or cosmetic experimentation.
2. Review the juvenile probation department's policy and procedure manual for policies prohibiting the use of juveniles in medical, pharmaceutical or cosmetic experimentation.

**Verification Documents:**

1. Policy and procedure manual
2. Juvenile board minutes, resolution or other written documentation

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.3(b)(3)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(a)(2) - Responsibilities  
of Juvenile Probation Department

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

**TEXT OF STANDARD**

**Subchapter:** B - Juvenile Board Responsibilities

§341.4 Waiver or Variance to Standards.

Unless expressly prohibited by another standard, the juvenile board, or chief administrative officer may make an application for waiver and the juvenile board may make an application for variance of any standard or standards adopted by the Commission in accordance with §349.2 of this title.

**COMMENTARY**

**Discussion and Interpretation:**

This standard is not monitored but simply provides the authorization for the use of waivers and variances. Title 37 Texas Administrative Code Section 349.2 details the application procedures for both waivers and variances.

Waivers are a temporary relief from the requirements of a Commission standard. Variances provide a permanent relief from the requirements of Commission standard. Section 349.2 details the criteria required for the Commission to grant a waiver or variance.

Approved waivers allow for temporary (i.e., up to one year) relief from the requirements set forth in a specific standard. A request for a waiver may be pre-emptive (i.e., in anticipation of a non-compliance) or it may be responsive (i.e., submitted in response to a formal finding of non-compliance). When requesting a waiver, a jurisdiction (represented by either the juvenile board, chief administrative officer or facility administrator) must make an individual request for each specific standard for which a waiver is sought using the application process provided by the Commission via the Compliance, Monitoring, Enforcement and Tracking System (COMETS) or the automated waiver application form found on the TJPC website at tpc.state.tx.us.

A variance is a permanent exemption from the requirements of a standard. As with a waiver, a request for a variance may be pre-emptive or responsive in origin. While the variance application may be submitted by the chief administrative officer, or their designee using the on-line COMET system or the automated form, TJPC will only process an application upon receipt of written approval by the juvenile board.

The burden of showing clear justification for a waiver or variance shall be the responsibility of the requesting party. The Commission will not approve waivers or variances that it reasonably determines would pose a health and safety risk or security risk to juveniles under the supervision of the probation department or to departmental staff in any juvenile justice program operated by or under the jurisdiction of the juvenile board.

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

**METHODOLOGY**

**Compliance Methodology:**

N/A

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 0 - Not Monitorable

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

Application for Temporary Waiver of Standards - [TJPC AGE-02-04]

Application for Permanent Variance from Standards - [TJPC-AGE-03-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.4

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 349.2 - Waiver or Variance

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** C - Chief Administrative Officer Responsibilities

## §341.9 Policy and Procedure Manual.

(a) The chief administrative officer shall maintain and enforce a policy and procedure manual for the juvenile probation department, which shall include the policies, procedures, and regulations of the juvenile probation department as adopted by the juvenile board.

(b) The chief administrative officer shall provide all employees with a copy of or access to the policy and procedure manual, review the manual on an annual basis and update it as necessary.

## COMMENTARY

**Discussion and Interpretation:**

This standard dictates that it is the chief administrative officer's responsibility to maintain (i.e., develop, update and facilitate formal juvenile board approval) a policy and procedure manual, which identifies the policies, procedures and regulations of the juvenile probation department and all of its programs and services. In addition to maintaining the manual, the chief administrative officer is responsible for enforcing the policies and procedures contained in the department's policy and procedure manual by ensuring that departmental staff are trained in and adhering to all of the policies and procedures contained within the manual.

Given the breadth and scope of some department's operations, multiple (category specific) policy and procedure manuals may be both advantageous and necessary. Multiple manuals are acceptable for standards compliance. Breadth and scope issues may also necessitate that the chief administrative officer delegate some of the policy and procedure manual maintenance duties to other departmental staff (or in some cases private outsourcing may be desired). Delegation and/or outsourcing is acceptable for standards compliance as long as the chief administrative officer retains full responsibility for the final product. Automated and/or electronic policy and procedure manuals are also acceptable for standards compliance purposes.

It is the chief administrative officer's duty to provide all employees with a copy of or access to the department's policy and procedure manual. If there are limited copies of the manual, there should be procedures to obtain a copy for the employee to read, as well as documentation to show the employee has access to it at any time. An employee should not have to access the policy and procedure manual through a supervisor.

If all staff are provided individual copies of the department's policy and procedure manual, then copies of revised policies shall be disseminated to all staff immediately upon their implementation. However, if the department chooses to use a reference or master copy of the policy and procedure manual, the chief administrative officer shall ensure this reference copy contains current revisions and any updated policies. In addition, the chief administrative officer must have policies and procedures in place that notify employees of any updated changes made to the policy and procedure manual.

The chief administrative officer shall review the policy and procedure manual no later than 365 calendar days from the prior annual review. The annual review documentation must contain the date on which it was conducted and the chief administrative officer's signature.

The chief administrative officer should be responsible for notifying the juvenile board of any significant changes to the policies and ensure their review and approval by the juvenile board. The juvenile board must review and approve the updated policies in a formal open meeting with documentation in the juvenile board minutes, resolution or other written documentation.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual.
2. Review documentation of the annual review of the policy and procedure manual conducted by the chief administrative officer for the current and previous year.
3. Interview the chief administrative officer.
4. Interview at least one juvenile probation officer.

**Verification Documents:**

1. Policy and procedure manual
2. Annual review of the policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

## REFERENCE MATERIAL

**Recommended Best Practices:**

The department should require employees to sign a document stating they have received and/or have access to the policy and procedure manual.

The department should provide initial and ongoing training to employees on the policy and procedure manual and retain documentation of the training in the employee's personnel file.

In addition to policies required in Sections 341.2(a) and 341.3, policies, procedures and regulations that should be in a department policy and procedural manual include:

1. Code of Ethics
2. Transportation of juveniles
3. Interstate Compact on Juveniles
4. Progressive sanctions
5. Texas Youth Commission commitments
6. Discharge procedures

A juvenile probation department should have available a process that allows employees the means of providing suggestions for the improvement of policies and procedures (e.g., a suggestion box, etc.).

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.9

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(a) - Administration  
37 TAC Section 341.3 - Policy and Procedures

**Board Opinion:**

**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** True

**Professional Staff:** True

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** C - Chief Administrative Officer Responsibilities

§341.10 Participation in Community Resource Coordination Groups.

The chief administrative officer or his/her designee shall serve as the liaison to the community resource coordination group in accordance with the memorandum of understanding adopted in §349.69 of this title.

## COMMENTARY

**Discussion and Interpretation:**

The chief administrative officer shall either serve or appoint a designee to serve as the liaison on the community resource coordination group (CRCG) meetings as described in the memorandum of understanding regarding Coordinated Services for Multi-Problem Youth and Children as required in Section 349.69 of this title.

Pursuant to the Texas Government Code, Subchapter B, Chapter 531, Section 531.055 and 37 Texas Administration Code Section 349.69, the Commission has entered into a memorandum of understanding with the Texas Health and Human Service Commission (HHSC), the Texas Council on Offenders with Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Education Agency, the Texas Workforce Commission and the Texas Youth Commission. The memorandum provides for the implementation of a statewide system of county-based, interagency CRCGs to coordinate services for persons of all ages, including children, youth and adults, needing multi-agency services, defined as persons with complex needs.

This memorandum requires the agencies (to the extent otherwise permitted by law), the local CRCGs and the HHSC to work together to ensure that the strategic plan for delivering health and human services in Texas includes appropriate plans for delivering coordinated services to persons with complex needs.

The mission of the CRCGs of Texas is to provide a mechanism which enables local public and private agencies, organizations and families to work together in collaboration to meet the needs of individuals which no one agency can meet. The primary function of local CRCGs is to develop coordinated individual service plans for persons with complex needs agreed upon by members of the group and the consumers, caregivers and families served. However, an agency shall exhaust its regular avenues for accessing services before referring an individual to a local CRCG.

Collateral functions of local CRCGs may include identifying gaps in the service delivery systems or barriers to accessing services, collecting and sharing available data regarding consumers and establishing relationships among local service providers for collaboration outside of the local CRCG setting.

When a local CRCG considers an out-of-home placement for a child, the group will also engage in a permanency planning process that focuses on family support by facilitating a permanent living arrangement focusing on an enduring and nurturing parental relationship. Similarly, when an out-of-home placement is considered for an adult, the group will also engage in a planning process that facilitates an ongoing living arrangement that meets the consumer's needs and desires.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Interview the chief administrative officer to determine the level of participation in the CRCG.

The reviewer may:

1. Review the CRCG agenda/minutes, resolution or other documentation for the 12 month period immediately preceding the monitoring visit.

**Verification Documents:**

1. Community Resource Coordination Group meeting minutes/agenda

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 20

**Scoring Methodology:** 0 or 10

**Level:** Level 2 - Provision of Services

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.10

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(c) - Participation in the  
Community Resource Coordination Group

37 TAC Section 349.69 - Memorandum of  
Understanding

Texas Government Code Section 531.055 -  
Memorandum of Understanding

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** True

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.15 Treatment and Safety

(a) Serious Incidents. The chief administrative officer or his/her designee shall report to the Commission within 24 hours the escape, death, attempted suicide, and any serious injury, including youth on youth assaults, that require medical treatment by a physician or physician's assistant, that occurs in a juvenile justice program or juvenile probation department.

## COMMENTARY

**Discussion and Interpretation:**

All escapes, deaths, attempted suicides, serious injuries and youth-on-youth assaults that require medical treatment by a physician or physician's assistant shall be reported to the Commission's Abuse and Neglect Investigation Unit within 24 hours after their occurrence. The report to the Commission must be made via phone call, fax or e-mail transmission. If the report is made by phone, a completed TJPC Incident Report Form shall be subsequently submitted within 24 hours. It will be considered a standards non-compliance if any of the listed incidents are not reported within the first 24 hours after their occurrence. The 24-hour period is a real-time reporting requirement and is not affected or extended by the inclusion of weekends or holidays. The Commission will assess the 24-hour reporting timeline requirement by using the incident time listed on the TJPC Incident Report Form. The completed TJPC Incident Report Form shall be received by the Commission within 24 hours after the time of the initial report.

The TJPC Incident Report Form shall be faxed to: (512) 424-6716. The TJPC Incident Report Form may be downloaded from the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

Serious incidents may be reported by e-mail to the following addresses:

Kevin.Dubose@tjpc.state.tx.us  
Lesly.Jacobs@tjpc.state.tx.us  
Jaime.Coronado@tjpc.state.tx.us  
Joanna.Garcia@tjpc.state.tx.us

For general inquiries, contact a Commission investigator at one of the following numbers:

(512) 424-6687 Kevin DuBose  
(512) 424-6680 Lesly Jacobs  
(512) 424-6675 Jaime Coronado  
(512) 424-6712 Joanna Garcia

If the chief administrative officer is unavailable on a 24-hour basis, then the chief administrative officer shall designate another person to ensure all serious incidents are reported to the Commission within the 24-hour timeline.

For the purposes of this standard the following definitions apply:

"Escape" means the voluntarily unauthorized flight by a juvenile in custody. A juvenile is in custody when at least one of the following conditions are met:

1. The juvenile is a resident in a secure pre-adjudication detention facility, short-term detention facility (holdover) or post-adjudication correctional facility;
2. The juvenile is being transported either to or from a secure pre-adjudication detention facility, short-term detention facility (holdover) or post-adjudication correctional facility;

3. A juvenile who is a resident of a secure pre-adjudication detention facility, short-term detention facility (holdover) or post-adjudication correctional facility is placed under the temporary supervision of a juvenile probation officer while either:

a. awaiting transportation to a secure pre-adjudication detention facility, short-term detention facility (holdover) or post-adjudication correctional facility;

b. being transported to a secure pre-adjudication detention facility, short-term detention facility (holdover) or post-adjudication correctional facility; or

c. awaiting formal court proceedings.

"Death" means the cessation of all vital bodily functions of a juvenile in custody.

"Attempted suicide" means any action a juvenile takes that could result in taking his or her own life voluntarily and intentionally while participating in or in the custody of a juvenile justice program.

"Serious injury" means any injury sustained by a juvenile participating in a juvenile justice program that requires medical treatment by a physician or physician's assistant. Some examples of a serious injury include fractured or broken bones, head injuries or deep lacerations.

"Youth-on-youth assault" means a situation in which a juvenile in custody or in a juvenile justice program is assaulted by another juvenile in custody or in a juvenile justice program and requires medical treatment by a physician or physician's assistant. Medical attention performed by the departmental staff or program nurse (e.g., application of ice packs, Band-Aides, etc.) does not constitute medical treatment under this standard.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the TJPC Incident Report Form to determine the time and date the alleged incident occurred and compare it to the time and date the TJPC Incident Report Form was submitted; or
2. Review the documentation of any phone, e-mail or fax contact with the department or program to determine the time and date the alleged incident occurred and compare it to the time and date the TJPC Incident Report Form was submitted.

**Verification Documents:**

1. TJPC Incident Report Form
2. Written documentation of a phone call, fax or e-mail reporting a serious incident

**METHODOLOGY****Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Investigation Unit during the initial assessment or review of each individual serious incident report received and any subsequent investigations that raise allegations of abuse, neglect and exploitation (if applicable). Any non-compliance that is identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 3 - Health & Safety**REFERENCE MATERIAL****Recommended Best Practices:**

N/A

**Sample Form(s):**

TJPC Incident Report Form [TJPC-ANE-05-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.15(a)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 343.1(2) - Attempted Suicide Definition

**Board Opinion:****RFI Opinion:****EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.15 Treatment and Safety.

## (b) Abuse, Exploitation and Neglect.

(1) Any employee, volunteer or intern of a juvenile probation department or juvenile justice program shall report to the Commission and local law enforcement any allegation of abuse, exploitation or neglect of a juvenile that occurs in or involves an employee, volunteer or intern of a juvenile justice program, juvenile probation department, pre-adjudication secure detention facility, short-term juvenile detention facility, post-adjudication secure correctional facility, or juvenile justice alternative education program.

## COMMENTARY

**Discussion and Interpretation:**

All allegations and/or incidents of abuse, neglect and exploitation occurring in a juvenile justice program shall be reported to the Commission by the person who first learns of or suspects that a juvenile has been abused, neglected or exploited. In accordance with Texas Family Code Section 261.405, a juvenile justice program means a "program operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes a juvenile justice alternative education program and a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court."

The duty to report is not limited to situations in which a juvenile makes a specific outcry or allegation of abuse, neglect or exploitation. Any employee, volunteer or intern who believes or suspects that a juvenile has been abused, neglected or exploited shall make a report to the Commission.

While juveniles and laypersons may not be able to verbalize allegations of abuse, neglect and exploitation as written in the statutory definition, it is the responsibility of the department's employees, interns and volunteers to recognize when an allegation has been made. It is also the statutory responsibility and professional obligation that employees, interns and volunteers be knowledgeable in recognizing abuse, neglect and exploitation.

The responsibility to report extends to what the prospective reporter observes, hears and/or discerns from reviewing written documentation. If a prospective reporter suspects that there is abuse, neglect or exploitation of a juvenile in a juvenile justice program, he or she is obligated to report their suspicions, even in the absence of an overt allegation. It is not the responsibility of the reporter to determine if an allegation or suspicion is factual prior to reporting. Fact-based dispositions of the allegation or suspicion will be determined at a later stage in the investigative proceedings.

In accordance with the Texas Family Code Section 261.101, the duty to report cannot be delegated to another person. For example, a supervisor cannot report the incident or allegation for the person who first learned of the allegation or witnessed the specific incident. Departments that prohibit line staff from making reports are in non-compliance with this standard and in violation of the Texas Family Code. Departments may have internal reporting requirements, but they are subordinate to the requirements identified in statute and standards.

If the person who first learns or suspects that a juvenile has been abused, neglected or exploited cannot complete the TJPC Incident Report Form within the required 24 hour time-frame, that person shall call the Commission's Abuse and Neglect Unit to report the allegation or incident. If a Commission investigator cannot be reached, a voicemail message shall be left at any of the following numbers:

TOLL FREE 1-877-786-7263  
(1-877-STOP ANE)

(512) 424-6687 Kevin DuBose  
(512) 424-6680 Lesly Jacobs  
(512) 424-6675 Jaime Coronado  
(512) 424-6712 Joanna Garcia

The phone call or voicemail message will fulfill the 24-hour reporting requirement if the call or message is placed within 24 hours after the allegation or incident is identified. A completed TJPC Incident Report Form shall be submitted within 24 hours after the phone call or message. The Commission's State Financial Assistance Contract requires submission of the TJPC Incident Report Form. Failure to submit this form shall be considered a breach of this contract.

The department or program shall also report the incident or allegation to the law enforcement agency that has jurisdiction. In most cases the municipal police department will be contacted if the department or program is within the city limits or the sheriff's department if the department or program is outside of the city limits. Local policy and procedure shall dictate the appropriate law enforcement agency to be contacted.

The notification to law enforcement shall be made by phone, fax, e-mail or in person. Law enforcement shall be notified within 24 hours of the allegation being made or within 24 hours of the first person becoming aware of or suspecting an incident of abuse, neglect or exploitation. It is important to note that the Commission's standards are stricter than Texas Family Code Section 261.101 regarding the time frame in which a report must be made to law enforcement. The Texas Family Code requires that a report shall be made no later than the 48th hour.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the TJPC Incident Report Form to determine the time and date the alleged incident occurred and compare it to the time and date the TJPC Incident Report Form was submitted.
2. Review the TJPC Incident Report Form to determine the date, time and law enforcement agency contacted regarding the allegation; or
3. Review the written documentation of any phone call, e-mail or fax contact with the department or program to determine the time and date the alleged incident occurred and compare it to the time and date the TJPC Incident Report Form was submitted.

**Verification Documents:**

1. TJPC Incident Report Form
2. Written documentation of a phone call, e-mail or fax reporting an allegation of abuse, neglect or exploitation

**METHODOLOGY****Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliance identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 3 - Health & Safety**REFERENCE MATERIAL****Recommended Best Practices:**

N/A

**Sample Form(s):**

TJPC Incident Report Form [TJPC-ANE-05-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.15(b)(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Chapter 261

**Board Opinion:****RFI Opinion:****EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation      Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(b) Abuse, Exploitation and Neglect.

(2) Any allegation of abuse, exploitation or neglect involving a juvenile under the jurisdiction of the juvenile court that is not alleged to have occurred in a juvenile justice program or facility under the jurisdiction of the juvenile board shall be reported as required in Texas Family Code Section 261.101.

## COMMENTARY

**Discussion and Interpretation:**

If an allegation of abuse, neglect or exploitation occurs outside a program under the jurisdiction of the juvenile board (e.g., in the home, in a facility licensed by another agency or in a school other than a juvenile justice alternative education program), the alleged incident shall be reported to the appropriate agency in accordance with Texas Family Code Section 261.101.

Alleged incidents in a program or location that are not under the jurisdiction of the juvenile board shall be reported accordingly to the appropriate agency:

Allegations of abuse, neglect and exploitation that occur in the home:

Texas Department of Protective and Regulatory Services  
1-800-252-5400  
www.tdprs.state.tx.us.

Allegations that occur in a substance abuse treatment facility:

Texas Commission on Alcohol and Drug Abuse  
1-800-832-9623  
www.tcada.state.tx.us.

Allegations that occur in a facility operated by the Texas Youth Commission:

Texas Youth Commission  
(512) 424-6235  
www.tyc.state.tx.us.

Allegations that occur in a facility housing clients of the Texas Department of Mental Health and Mental Retardation:

Texas Department of Health  
1-888-973-0022  
www.tdh.state.tx.us.

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored if, during the course of an on-going abuse, neglect or exploitation investigation, a Commission investigator discovers evidence that leads the investigator to believe a report should have been made to the Texas Department

of Protective & Regulatory Services, the Texas Youth Commission, the Texas Commission on Alcohol and Drug Abuse or the Texas Department of Health.

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

It is recommended that staff be trained on procedures for reporting abuse, neglect or exploitation to agencies other than the Commission. The numbers for the agencies should be posted throughout the department or program in order to ensure appropriate and timely reports are made.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(b)(2)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Chapter 261

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**Texas Juvenile Probation Commission**

**341.15(b)(2)**

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

- Chief Administrative Officer: False
- Professional Staff: False
- Program/Facility Administrator: False
- Juvenile Board Chair: False
- Ancillary Staff: False
- Juvenile: False

[Empty vertical box for interview questions]

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.15 Treatment and Safety.

## (b) Abuse, Exploitation and Neglect

(3) A report of the alleged abuse, exploitation or neglect under subsection (1)(A) of this section shall be made within 24 hours from the time the allegation is made.

## COMMENTARY

**Discussion and Interpretation:**

An allegation of abuse, neglect and exploitation shall be reported to the Commission via phone, fax or e-mail and a TJPC Incident Report Form shall be submitted within 24 hours of the time the allegation is made or from the time the first person has knowledge of the alleged incident.

The TJPC Incident Report Form shall be faxed to: (512) 424-6716. The TJPC Incident Report Form may be downloaded from the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

Allegations or incidents of abuse, neglect and exploitation may be reported by phone using the Commission's TOLL FREE number: 1-877-786-7263 (1-877-STOP ANE). If an allegation or incident is reported by phone, a TJPC Incident Report Form shall be submitted within 24 hours of the phone call. If an allegation or incident is reported using the TOLL FREE number, the caller shall supply the following information at the time the call is made:

1. Name of the alleged victim
2. Name of the alleged perpetrator
3. Date the alleged abuse, neglect or exploitation occurred
4. Type of allegation
5. Reporter's name and phone number
6. Names of the county, department, facility or program in which the abuse, neglect or exploitation occurred

In accordance with the Commission's State Financial Assistance Contract a notice providing the Commission's TOLL FREE number shall be posted in all public areas of the department or program and areas readily accessible to staff.

Allegations or incidents may be reported by e-mail to the following e-mail addresses:

Kevin.Dubose@tjpc.state.tx.us  
 Lesly.Jacobs@tjpc.state.tx.us  
 Jaime.Coronado@tjpc.state.tx.us  
 Joanna.Garcia@tjpc.state.tx.us

For general inquiries, contact a Commission investigator at one of the following numbers:

(512) 424-6687 Kevin DuBose  
 (512) 424-6680 Lesly Jacobs  
 (512) 424-6675 Jaime Coronado  
 (512) 424-6712 Joanna Garcia

It is not necessary for a juvenile to make an allegation in writing or verbally to constitute a reportable allegation. If an employee, volunteer or intern of the department or program observes an incident that in their opinion may be abusive, neglectful or exploitive, the incident shall be reported to the Commission. It will be

considered a standards non-compliance if the incident or allegation is not reported within 24 hours of the allegation being made by the juvenile or other individual or within the first 24 hours after the reporter first learns of the alleged abuse, neglect or exploitation.

In accordance with Texas Family Code Section 261.101, the duty to report shall not be delegated to another person. For example, a supervisor cannot report the incident or allegation for the person who first learned of the allegation or incident.

If the person who first learns or suspects that a juvenile has been abused, neglected or exploited cannot complete the TJPC Incident Report Form, that person shall call the TJPC Abuse and Neglect Unit to report the allegation or incident. If a Commission staff member cannot be reached, a voicemail message shall be left on one of the aforementioned numbers. The phone call or voicemail will satisfy the 24-hour reporting requirement if placed within 24 hours. In accordance with the State Financial Assistance Contract, a TJPC Incident Report Form shall be submitted within 24 hours of the initial phone call. Failure to submit this form shall be considered a breach of this contract.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the TJPC Incident Report Form; or
2. Review the written documentation for the date and time of the phone contact with department, program or law enforcement agency.

**Verification Documents:**

1. TJPC Incident Report Form
2. Written documentation of phone contact with the department, program or law enforcement agency

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process

or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A  
**Sample:** N/A  
**Point Value:** 0  
**Total Points Possible:** 0  
**Scoring Methodology:** N/A  
**Level:** Level 3 - Health & Safety

#### REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

TJPC Incident Report Form [TJPC-ANE-05-04]

TJPC Notice to the Public Regarding Abuse, Neglect and Exploitation [TJPC-ANE-07-04]

TJPC Notice to Professionals Regarding Abuse, Neglect and Exploitation [TJPC-ANE-08-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.15(b)(3)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Chapter 261

**Board Opinion:**

RFI Opinion:

#### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

#### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(c) Internal Investigation.

(1) An internal investigation shall be conducted for all allegations of abuse, exploitation or neglect in the juvenile probation department or any juvenile justice program.

## COMMENTARY

**Discussion and Interpretation:**

The internal investigation shall be conducted in accordance with the written policy and procedure of the juvenile probation department or program. The Commission does not set a time-frame in which the internal investigation must be completed. However, a written report of the investigation shall be submitted to the Commission within five calendar days of the completion of the internal investigation. The internal investigation report shall include the following information:

1. Department or Program name
2. Alleged Victim(s)
3. Alleged Perpetrator(s)
4. Date allegation was reported to the Commission
5. Date of alleged incident
6. Date allegation was reported to law enforcement
7. First person who learned of or suspected allegation and the date
8. Dates internal investigation was initiated and completed
9. Brief summary of allegation
10. Applicable policy and procedure
11. Summary of investigation
12. Finding of investigation
13. Code of Ethics violation
14. Personnel action (e.g., termination, suspension, disciplinary action(s), return to duty, etc.)
15. Attached pertinent documentation (e.g., written statements, offense reports, etc.)
16. Date the internal investigation was completed
17. Signature of the person who completed the internal investigation

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the internal investigation report.

The reviewer may:

1. Review the juvenile probation department's policy and procedure manual as it relates to conducting internal investigations.

**Verification Documents:**

1. Internal investigation report
2. Policy and procedure manual of the department or program

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

The internal investigation should be completed by an impartial third party. For example, the internal investigation should not be completed by the alleged perpetrator's immediate supervisor. The internal investigation should be conducted as soon as possible in relation to the date of the alleged incident.

**Sample Form(s):**

TJPC Internal Investigation Report Form  
[TJPC-ANE-06-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(c)(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

N/A

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

TEXT OF STANDARD	REFERENCE MATERIAL
<p><b>Subchapter:</b> D - Treatment and Safety</p> <p>§341.15 Treatment and Safety.</p> <p>(c) Internal Investigation.</p> <p>(2) All employees, volunteers and interns shall fully cooperate with any investigation of alleged abuse, exploitation or neglect.</p>	<p><b>Recommended Best Practices:</b></p> <p>N/A</p> <p><b>Sample Form(s):</b> TJPC Incident Report Form [TJPC-ANE-05-04]</p> <p><b>Citation(s):</b> Title 37 Texas Administrative Code Part II Texas Juvenile Probation Commission Chapter 341 Texas Juvenile Probation Commission §341.15(c)(2)</p> <p><b>Texas Register Publication Citation:</b> 28(6) TexReg 1073 Proposed Action 28(14) TexReg 2929 Adopted Action</p> <p><b>Cross Reference(s):</b> N/A</p> <p><b>Board Opinion:</b> <b>RFI Opinion:</b></p>
COMMENTARY	EFFECTIVE DATES
<p><b>Discussion and Interpretation:</b></p> <p>The policy and procedure of the juvenile probation department or program shall require all employees, interns or volunteers to cooperate with a Commission, law enforcement or internal investigation of an allegation of abuse, neglect or exploitation.</p> <p>There is one exception to this standard. An employee, intern or volunteer who has been identified as an alleged perpetrator has the right to refuse to be interviewed. However, the alleged perpetrator shall cooperate with the investigation to the extent the investigation does not violate the individual's right to remain silent.</p> <p><b>Reviewer Guidelines:</b></p> <p>To determine compliance with this standard, the reviewer will:</p> <ol style="list-style-type: none"> <li>Determine compliance with this standard based upon the level of cooperation the investigator receives from the department or program during the investigation.</li> </ol> <p>The reviewer may:</p> <ol style="list-style-type: none"> <li>Review the written policies and procedures of the department or program that require employees, interns and volunteers to cooperate with investigations of abuse, neglect and exploitation.</li> </ol> <p><b>Verification Documents:</b></p> <ol style="list-style-type: none"> <li>Policy and procedure manual</li> </ol>	<p><b>Standard's Effective Date:</b> 9/1/2003 <b>CRM Last Modified On:</b> 9/1/2003</p>
METHODOLOGY	PRE-MONITORING PREPARATION
<p><b>Compliance Methodology:</b></p> <p>The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).</p> <p><b>Monitoring Methodology:</b> N/A <b>Sample:</b> N/A <b>Point Value:</b> 0 <b>Total Points Possible:</b> 0 <b>Scoring Methodology:</b> N/A <b>Level:</b> Level 3 - Health &amp; Safety</p>	<p><b>Program Tour:</b> False</p> <p><b>Policy and Procedure:</b> False</p> <p><b>Pre-Monitoring Checklist:</b> False</p> <p><b>Pre-Monitoring Preparation Checklist:</b> N/A</p> <p><b>Reviewer Preparation Checklist Required:</b> False</p> <p><b>Reviewer Preparation Checklist:</b> N/A</p> <p><b>INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:</b></p> <p><b>Chief Administrative Officer:</b> False <b>Professional Staff:</b> False <b>Program/Facility Administrator:</b> False <b>Juvenile Board Chair:</b> False <b>Ancillary Staff:</b> False <b>Juvenile:</b> False</p>

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(c) Internal Investigation.

(3) Until the conclusion of the internal investigation, any person alleged to be a perpetrator of abuse, exploitation or neglect shall be placed on administrative leave or reassigned to a position having no contact with the alleged victim's family, and individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court.

## COMMENTARY

**Discussion and Interpretation:**

The policy and procedure of the juvenile probation department or program shall require an alleged perpetrator to be placed on administrative leave or be reassigned in accordance with the provisions of this standard.

For the purposes of this standard "individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court" include the alleged victim.

Reassignment of the alleged perpetrator to administrative duties is an acceptable practice, as long as the alleged perpetrator does not have any contact with any juvenile in a juvenile justice program.

The employment status of the alleged perpetrator at the time the incident is reported shall be clearly stated on the TJPC Incident Report Form. The administrative leave or reassignment shall be effective through the conclusion of the department's or program's internal investigation. The employment status of the alleged perpetrator at the conclusion of the internal investigation shall be clearly stated in the internal investigation report.

The Commission does not have any requirements that specify the length of the internal investigation. The length of the internal investigation shall be determined by the policy and procedure of the department or program, and on the individual merits and dynamics of the investigation.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the TJPC Incident Report Form.
2. Review written documentation of contact with the chief administrative officer regarding the employment status of the alleged perpetrator, if it was not clear on the TJPC Incident Report Form.

The reviewer may:

1. Conduct interviews with staff and juveniles to verify that the alleged perpetrator did not have contact with any juvenile in a juvenile justice program.
2. Review the written policies and procedures of the department or program that require an alleged perpetrator to be placed on administrative leave or be reassigned in accordance with the provisions of this standard.

**Verification Documents:**

1. TJPC Incident Report Form
2. Commission's written internal documentation of contact with the chief administrative officer

## 3. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

It is recommended the internal investigation be initiated and completed as soon as possible in relation to the alleged incident.

**Sample Form(s):**

TJPC Incident Report Form [TJPC-ANE-05-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(c)(3)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

N/A

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(c) Internal Investigation.

(4) At the conclusion of the internal investigation, the chief administrative officer shall take appropriate measures to provide for the safety of the juveniles.

## COMMENTARY

**Discussion and Interpretation:**

In the event the internal investigation concludes that an incident of abuse, neglect or exploitation occurred, the chief administrative officer or designee shall take appropriate measures to ensure the safety of the juveniles. Appropriate measures may include additional training of staff specifically involved in the incident or of all staff. Other measures may include suspension or termination of staff involved in the incident. Additionally, appropriate measures may include a review of the policies, procedures and practices, and if appropriate, modifications to the policies, procedures and practices to help ensure the safety of juveniles and staff and to prevent subsequent incidents.

If during the course of conducting an internal investigation of an allegation or incident of abuse, neglect or exploitation, a violation of the Code of Ethics is discovered a separate internal investigation may be conducted regarding the Code of Ethics violation. If the investigation substantiates that a violation of the Code of Ethics occurred, the violation shall be reported to the Commission in accordance with Title 37 Texas Administrative Code Section 349.21(a)(1). In this situation the chief administrative officer or the juvenile board has two options: the information regarding the Code of Ethics violation may be included in the abuse, neglect and exploitation internal investigation report or a separate internal investigation report that addresses only the violation of the Code of Ethics may be submitted.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the internal investigation report.
2. Review written documentation of an interview with the chief administrator regarding any changes to policy, procedure or practice.
3. Review amended policies and procedures, if applicable.

The reviewer may:

1. Review the alleged perpetrator's or other staff's personnel or training files.

**Verification Documents:**

1. Internal investigation report
2. Personnel file
  - a. Personnel action(s) (e.g., re-assignment, suspension, termination, etc.)
  - b. Employee's training records, certificates or other written documentation
3. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliance's identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

When conducting an internal investigation, the investigator should consider any possible violations of the Code of Ethics.

The policies, procedures and practices of the department or program should be thoroughly reviewed when allegations of abuse, neglect or exploitation are made and when serious incidents occur to determine whether the policy, procedures and practices contributed to the incident.

Staff should immediately be trained in and provided copies of any new or modified policies and procedures.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(c)(4)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC 341.30 - Code of Ethics

37 TAC 349.21(a)(1) - Requests for  
Disciplinary Hearing

Board Opinion:  
RFI Opinion:

#### EFFECTIVE DATES

Standard's Effective Date: 9/1/2003  
CRM Last Modified On: 9/1/2003

#### PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:  
N/A

Reviewer Preparation Checklist Required: False

Reviewer Preparation Checklist:  
N/A

#### INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False



## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(c) Internal Investigation.

(5) The chief administrative officer or his/her designee shall submit a copy of the internal investigation to the Commission within five calendar days following the completion of the internal investigation.

## COMMENTARY

**Discussion and Interpretation:**

The internal investigation report shall be faxed, e-mailed or mailed to the Commission within five calendar days of completion. Completion of the faxed or e-mailed report shall be determined by the date the report is signed by the person who completed the internal investigation. If mailed, the postmark shall be within the five calendar day time frame.

If e-mailed, the e-mail shall contain a declaration statement that includes the date and by whom the investigation was completed [i.e., "This e-mailed abuse, neglect or exploitation internal investigation report was prepared by (name of the person who completed the report) and e-mailed to the Commission in lieu of a signed document. I attest that the contents of this report are true and correct to the best of my knowledge."].

No exceptions to the "five calendar days" rule will be granted for holidays or weekends as fax and e-mail options are not affected by holiday and weekend mail schedules.

The following is the contact information for the Commission's Abuse and Neglect Investigation Unit:

Fax:  
(512) 424-6716

E-mail:  
Kevin.Dubose@tjpc.state.tx.us  
Lesly.Jacobs@tjpc.state.tx.us  
Jaime.Coronado@tjpc.state.tx.us  
Joanna.Garcia@tjpc.state.tx.us

Mail:  
Texas Juvenile Probation Commission  
Attn: Abuse and Neglect Investigation Unit  
PO Box 13547  
Austin, Texas 78711-3547

The internal investigation report shall include the following information:

1. Department or Program name
2. Alleged Victim(s)
3. Alleged Perpetrator(s)
4. Date allegation was reported to the Commission
5. Date of alleged incident
6. Date allegation was reported to law enforcement
7. First person who learned of or suspected allegation and the date

8. Dates internal investigation was initiated and completed

9. Brief summary of allegation

10. Applicable policy and procedure

11. Summary of investigation

12. Finding of investigation

13. Code of Ethics violation

14. Personnel action (e.g., termination, suspension, disciplinary action(s), return to duty, etc.)

15. Attached pertinent documentation (e.g., written statements, offense reports, etc.)

16. Date the internal investigation was completed

17. Signature or declaration statement (if e-mailed) of the person who completed the internal investigation

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the date the internal investigation report was completed.
2. Review the postmark on the internal investigation report envelope; or
3. Review the date on the faxed or e-mailed internal investigation report.

**Verification Documents:**

1. The envelope in which the internal investigation report was mailed
2. The faxed or e-mailed internal investigation report

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the

department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A  
**Sample:** N/A  
**Point Value:** 0  
**Total Points Possible:** 0  
**Scoring Methodology:** N/A  
**Level:** Level 3 - Health & Safety

#### REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

TJPC Internal Investigation Report Form [TJPC-ANE-06-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.15(c)(5)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

N/A

**Board Opinion:**

**RFI Opinion:**

#### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

#### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False



**TEXT OF STANDARD**

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(d) In the event the chief administrative officer is alleged to be a perpetrator of abuse, exploitation or neglect, the juvenile board shall:

(1) conduct the internal investigation or appoint an individual who is not an employee of the juvenile probation department to conduct the internal investigation;

**COMMENTARY**

**Discussion and Interpretation:**

If the chief administrative officer is alleged to be the perpetrator, he or she shall not conduct the internal investigation. The juvenile board shall either conduct the internal investigation or appoint a third party not employed with the probation department or program to conduct the internal investigation. For example, a member of the County Attorney's office or an employee of the adult probation office could be appointed to conduct the internal investigation.

The Commission staff is not authorized to conduct internal investigations for a department or program because doing so would conflict with the Commission's own investigative responsibilities. A criminal investigation conducted by a law enforcement agency cannot be accepted in lieu of the department's internal investigation. The purpose of the internal investigation is to determine if the policies and procedures of the department or program were violated and to identify any Code of Ethics violations. This differs from the primary purposes of a criminal investigation.

The juvenile board shall establish written policy and procedure that either appoints the person who will conduct internal investigations or authorizes the chairperson of the juvenile board to act independently to appoint the internal investigator in the event the chief administrative officer is named as an alleged perpetrator. Juvenile boards are required to comply with the Texas Open Meetings Act as codified in Texas Government Code Chapter 551. This Act states that meetings of governmental bodies must be open to the public, except for expressly authorized executive sessions, and that the public must be given notice of the time, place and subject matter of meetings of governmental bodies. To be legally binding and enforceable, any action of a juvenile board must occur in a posted, open meeting that complies with the requirements of the Open Meetings Act. A quorum of the juvenile board is required to be present before the board may act and documentation of the action must be reflected in the meeting minutes, formal written resolutions or other written documentation. The juvenile board may act to authorize the chairperson of the board to take certain actions on behalf of the board as long as the initial action meets the requirements of the Open Meetings Act and is so documented.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review written documentation specifying who conducted the internal investigation, such as the internal investigation report or a letter from the juvenile board appointing the internal investigator; or
2. Review the juvenile board minutes, resolution or other written documentation appointing the individual who will conduct the internal investigation.

**Verification Documents:**

1. Internal investigation report
2. Juvenile board minutes, resolution or other written documentation

**METHODOLOGY**

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(d)(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Government Code Chapter 551 - Open Meetings Act

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- \_\_\_\_ Compliance
- \_\_\_\_ Non-Compliance
  - \_\_\_\_ Develop Program Improvement Plan
  - \_\_\_\_ Request Waiver
  - \_\_\_\_ Request Variance
- \_\_\_\_ Need Policy and Procedure
- \_\_\_\_ Need Training
- \_\_\_\_ Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.15 Treatment and Safety.

(d) In the event the chief administrative officer is alleged to be a perpetrator of abuse, exploitation or neglect, the juvenile board shall:

(2) until the conclusion of the internal investigation place the chief administrative officer on administrative leave, or ensure the chief administrative officer has no contact with the alleged victim's family and individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court; and

and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## COMMENTARY

**Discussion and Interpretation:**

The chief administrative officer, if designated as an alleged perpetrator, is not required to discontinue his or her administrative duties as long as those duties do not include the supervision of or contact with juveniles or families of juveniles in juvenile justice programs. In the event the chief administrative officer is alleged to be a perpetrator and is placed on administrative leave, a designee shall be assigned to carry out the duties and responsibilities of the chief administrative officer in his or her absence as required by 341.(2)(a)(1).

The employment status of the chief administrative officer at the time the incident is reported shall be clearly stated on the TJPC Incident Report Form. The administrative leave or reassignment shall be effective through the conclusion of the internal investigation by the department or program. The employment status of the chief administrative officer at the conclusion of the internal investigation shall be clearly stated in the internal investigation report.

For the purposes of this standard, "individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court" include the alleged victim.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the TJPC Incident Report Form to determine if the chief administrative officer was reassigned or placed on administrative leave.

The reviewer may:

1. Interview the chairperson of the juvenile board to determine what action was taken.

**Verification Documents:**

1. TJPC Incident Report Form
2. Written documentation of interview with a member of the juvenile board
3. Juvenile board minutes, resolution or other written documentation

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

TJPC Incident Report Form [TJPC-ANE-05-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.15(d)(2)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(a)(1) - Local Juvenile  
Probation Administration

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**Texas Juvenile Probation Commission**

**341.15(d)(2)**

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

- Chief Administrative Officer: False
- Professional Staff: False
- Program/Facility Administrator: False
- Juvenile Board Chair: False
- Ancillary Staff: False
- Juvenile: False

[Empty vertical box for interview questions]

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.15 Treatment and Safety.

(d) In the event the chief administrative officer is alleged to be a perpetrator of abuse, exploitation or neglect, the juvenile board shall:

(3) submit a copy of the internal investigation to the Commission within five calendar days following the completion of the internal investigation.

## COMMENTARY

**Discussion and Interpretation:**

The internal investigation report shall be faxed, e-mailed or mailed to the Commission "within five calendar days" rule of completion. Completion of the faxed or e-mailed report shall be determined by the date the report is signed by the person who completed the internal investigation. If mailed, the postmark shall be within the five calendar day time frame.

If e-mailed, the e-mail shall contain a declaration statement that includes the date and by whom the investigation was completed [i.e., "This e-mailed abuse, neglect or exploitation internal investigation report was prepared by (name of the person who completed the report) and e-mailed to the Commission in lieu of a signed document. I attest that the contents of this report are true and correct to the best of my knowledge."].

No exceptions to the "five calendar days" rule will be granted for holidays or weekends as fax and e-mail options are not affected by holiday and weekend mail schedules.

The following is the contact information for the Commission's Abuse and Neglect Investigation Unit:

Fax:  
(512) 424-6716

E-mail:  
Kevin.Dubose@tjpc.state.tx.us  
Lesly.Jacobs@tjpc.state.tx.us  
Jaime.Coronado@tjpc.state.tx.us  
Joanna.Garcia@tjpc.state.tx.us

Mail:  
Texas Juvenile Probation Commission  
Attn: Abuse and Neglect Investigation Unit  
PO Box 13547  
Austin, Texas 78711

The internal investigation report shall include the following information:

1. Department or Program name
2. Alleged Victim(s)
3. Alleged Perpetrator(s)
4. Date allegation was reported to the Commission
5. Date of alleged incident
6. Date allegation was reported to law enforcement
7. First person who learned of or suspected allegation and the date

8. Dates internal investigation was initiated and completed

9. Brief summary of allegation

10. Applicable policy and procedure

11. Summary of investigation

12. Finding of investigation

13. Code of Ethics violation

14. Personnel action (e.g., termination, suspension, disciplinary action(s), return to duty, etc.)

15. Attached pertinent documentation (e.g., written statements, offense reports, etc.)

16. Date the internal investigation was completed

17. Signature or declaration statement (if e-mailed) of the person who completed the internal investigation

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the date the internal investigation report was completed.
2. Review the postmark on the envelope; or
3. Review the date on the faxed or e-mailed internal investigation report.

**Verification Documents:**

1. Postmark on the envelope
2. The faxed or e-mailed internal investigation report

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A  
**Sample:** N/A  
**Point Value:** 0  
**Total Points Possible:** 0  
**Scoring Methodology:** N/A  
**Level:** Level 3 - Health & Safety

#### REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.15(d)(3)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

N/A

**Board Opinion:**

**RFI Opinion:**

#### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

#### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

**TEXT OF STANDARD**

**Subchapter:** D - Treatment and Safety

§341.15 Treatment and Safety.

(e) The chief administrative officer shall ensure that juveniles under supervision of the juvenile probation department or participating in a juvenile justice program shall not be subjected to abuse, exploitation or neglect as defined in Chapter 261, Texas Family Code.

**COMMENTARY**

**Discussion and Interpretation:**

The chief administrative officer shall be charged with the responsibility to ensure all juveniles under the supervision of the juvenile court are protected from abuse, neglect and exploitation. In accordance with Texas Administrative Code Section 349.15(c)(1)(k), all juvenile probation officers seeking certification shall be trained in recognizing abuse, neglect and exploitation. The chief administrative officer has the responsibility to ensure training is effective and is conducted at regular intervals so that all employees, interns and volunteers remain informed of current standards, policy, procedures and practices.

If during the course of an investigation it is determined that the alleged perpetrator acted outside the scope of his or her assigned duties or did not adhere to policies, procedures or practices in which they were trained, the alleged perpetrator will be held responsible. However, if it is determined that the chief administrative officer failed to ensure the alleged perpetrator received proper training or instructions regarding standards and the policy, procedures and practices of the department or program, the department or program may be determined to be in non-compliance with this standard.

It is incumbent upon the chief administrative officer to ensure policies and procedures are written in accordance with the standards in the Texas Administrative Code. The chief administrative officer may be named as the alleged perpetrator in an allegation of abuse, neglect and exploitation if it is found that the policy and procedure under the chief administrative officer's direct control and authority was the proximate cause of the allegation. For example, if a juvenile probation officer uses chemical restraints on a juvenile in the field as authorized by the department's policy and procedure, the chief administrative officer may be named as an alleged perpetrator because the Commission's standards prohibit the use of chemical restraints by juvenile probation officers. This is a fact-specific inquiry and will be determined on a case by case basis.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the internal investigation report.

The reviewer may:

1. Review the employee training records of the alleged perpetrator or alleged perpetrators in the course of an investigation.
2. Review the department's or program's policy and procedure manual.
3. Interview department staff, if applicable.

**Verification Documents:**

1. Personnel or training files
2. Policy and procedure manual

**METHODOLOGY**

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

Training on the recognition and reporting of abuse, neglect and exploitation of a juvenile should be provided to all departmental staff at the time of employment and periodically thereafter. Documentation of the training should be maintained in the personnel/training files.

Any changes to the abuse, neglect and exploitation policy and procedure should be addressed immediately with the departmental staff.

In addition to ensuring each employee is trained in the recognition of abuse, neglect, and exploitation, all employees should be trained in recognizing inappropriate conduct with juveniles that may be considered mistreatment, including but not limited to horse playing and the use of profanity, which could progress to a level of abuse, neglect or exploitation.

Training on the Code of Ethics is also a vital component in any new employee training program and ongoing training programs for existing employees.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.15(e)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 349.15(c)(1)(k) - Certification Training

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** D - Treatment and Safety

## §341.16 Testing

The chief administrative officer shall make available testing for sexually transmitted diseases including HIV for any juvenile designated as a victim by the Commission in an investigation conducted under Chapter 349 of this title, if the Commission determines the victim was sexually abused in a manner by which HIV or any other sexually transmitted disease may be transmitted.

## COMMENTARY

**Discussion and Interpretation:**

This standard applies only to juveniles who are victims of certain sexual assaults in cases where the Commission has conducted an on-site investigation of an allegation of sexual abuse and has determined the disposition is "Reason to Believe".

Testing for sexually transmitted diseases shall be offered and made available to any juvenile designated by the Commission as a victim of sexual abuse. Sexual assaults that subject a child to sexually transmitted diseases may include but are not limited to the following offenses: Texas Penal Code Sections 21.11 (Indecency With A Child), 22.011(Sexual Assault) and 22.021 (Aggravated Sexual Assault).

If the juvenile declines testing, the availability of the service and the juvenile's refusal of testing shall be documented. The Commission may request documentation of services offered to the designated victim as part of the investigation.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review written documentation from the juvenile probation department indicating that the testing was available to the designated victim, the date the testing was provided and who provided the testing; or
2. Review the written documentation from the department indicating that the testing was made available to the designated victim and that the designated victim refused testing.

**Verification Documents:**

1. Written department documentation (e.g., chronological notes, medical records, etc.)

## METHODOLOGY

**Compliance Methodology:**

The Commission has determined that this standard will not be monitored during the course of the regularly scheduled or unannounced on-site monitoring visits conducted by the Commission's Field Services staff. However, all specific elements of this standard will be monitored for compliance by the Commission's Abuse and Neglect Unit during its initial assessment or review of each individual abuse, neglect and exploitation report it receives. Any standards non-compliances identified through the Abuse and Neglect Unit's assessment or review process or through an abuse, neglect and exploitation investigation will be reported to the department via a Commission Non-Compliance Citation Report (NCCR).

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

It is recommended that departments or programs establish a memorandum of understanding with the local health department for the provision of testing services. In addition, the department or program should have policies and procedures in accordance with Texas Family Code Section 54.033 and Texas Health and Safety Code Section 81.103.

It is also recommended that the department or program act proactively by immediately providing medical testing upon knowledge of the allegation of a sexual offense, and not wait for the Commission's disposition of the investigation. In addition to medical testing, the Commission recommends that psychological counseling services be afforded to victims of sexual abuse.

The Texas Department of Health website offers an abundance of information relating to such services at [www.tdh.state.tx.us](http://www.tdh.state.tx.us).

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.16

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Section 54.033 - Sexually Transmitted Disease, AIDS, and HIV Testing

Texas Health & Safety Code Section 81.103 - Testing Confidentiality

Texas Penal Code Section 21.11 - Indecency With a Child

Texas Penal Code 22.011 - Sexual Assault

Texas Penal Code 22.021 - Aggravated Sexual Assault

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

§341.20 Qualifications for Employment.

(a) Certified juvenile probation officer qualifications for employment shall adhere to the Texas Human Resources Code §141.061(a) and any additional standards promulgated by the Commission.

(b) One Year of Graduate Study Defined. The phrase "one year of graduate study," in Texas Human Resources Code §141.061(a)(3)(A), means at least 18 post-graduate credit hours earned in a behavioral science field with certification from the school of enrollment attesting that the student has an acceptable scholastic standing.

(c) Internships. Internships may be counted toward meeting one year's experience, where the duties performed were related to the field of juvenile justice.

## COMMENTARY

**Discussion and Interpretation:**

This standard identifies the minimum qualifications required for employment as a juvenile probation officer in accordance with the Texas Human Resources Code Section 141.061(a) and Title 37 Texas Administrative Code Section 349.7(a). Individuals who do not have a bachelor's degree and who were employed as juvenile probation officers prior to 9/1/1981 do not have to meet the educational requirements of Section 141.061(a). A grandfathered officer whose certification has expired is subject to the minimum employment qualification requirements in Section 141.061. Thus, it is essential that grandfathered officers do not allow their certification to expire.

Eligibility for employment as a juvenile probation officer requires compliance with requirements found in Section 141.061(a) which states:

(a) To be eligible for appointment as a probation officer, a person who has not been employed as a probation officer since 9/1/1981, must:

(1) be of good moral character;

(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(3) have either;

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the commission; or

(B) one year of experience in full-time case work, counseling, or community or group work:

(i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and

(ii) that the commission determines the kind of experience necessary to meet this requirement;

(4) have satisfactorily completed the course of pre-service training or instruction required by the commission;

(5) have passed the tests or examination required by the commission; and

(6) possess the level of certification required by the commission.

Section 141.061 requires an individual to have a bachelor's degree from a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board (THECB). The Commission has developed a College or University Accreditation Verification Form that can be found at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

The following discussion provides limited information about the requirements for education, work experience and verification procedures. Detailed information can be found in the TJPC Certification Guidelines Manual (CGM) which is available on the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

**Educational Requirements**

If an individual has a degree from a foreign country or from a college or university not accredited by an accrediting organization recognized by the THECB, special procedures are necessary to validate the degree.

**Graduate Study**

The Commission approves graduate study in business, government, human resource management, education, medicine, political science and public administration in addition to the areas specified in Section 141.061. One year of graduate study consists of completion of 18 hours of approved course work. A certified copy of the transcript is required for validation purposes.

**Prior Work Experience**

A copy of the individual's employment application and/or resume will not be accepted as primary proof of the required work experience.

**Prior Law Enforcement Experience**

Previous experience in law enforcement may apply toward meeting the one-year experience requirement. Documentation from the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) must exist reflecting that an applicant has put his or her commission on inactive status before the applicant is eligible for employment. TCLEOSE can be contacted to obtain documentation on the status of a TCLEOSE certified officer at [www.tcleose.state.tx.us](http://www.tcleose.state.tx.us) or at (512) 936-7700.

**Internship**

Section 141.061 allows the use of internships to meet the work experience requirement for employment as a juvenile probation officer. Formal internship programs that are part of an approved course of study through an accredited college or university or an internship program administered by a juvenile justice agency can be used to meet the one-

year work experience requirement. A juvenile justice agency is an agency that has custody or control over juvenile offenders as defined in the Texas Family Code Section 58.101. Individuals whose experience includes other internship programs can apply for an exemption of the one-year work experience requirement.

#### Volunteer Experience

Individuals whose experience includes performing volunteer services working with the juvenile age population can apply for an employment exemption of the one-year work experience requirement.

#### Ineligibility For Employment

Section 141.065 states, "A peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a juvenile probation, detention, or corrections officer or be made responsible for supervising a juvenile on probation."

#### Reviewer Guidelines:

To determine compliance with this standard, the reviewer will:

1. Review a systematic sample of juvenile probation officer personnel files to determine if the work experience and educational requirements of this standard have been met. The reviewer will:

- a. Verify the education requirement by reviewing the following:
  - i. A certified copy of the college or university transcript; and
  - ii. Written documentation of the accreditation of the college or university that conferred the degree.
- b. Verify the work experience requirement by reviewing one of the following:
  - i. Written documentation verifying the length and type of work experience; or
  - ii. Written documentation from a college or university verifying the number of internship hours worked;
  - iii. Written documentation from a juvenile justice agency verifying the number of internship hours worked; or
  - iv. Military service documentation.

#### Verification Documents:

1. Juvenile probation officer personnel file:
  - a. Certified college or university transcripts
  - b. Reference letter or other written documentation from past employers (e.g., performance appraisals, pay stubs, personnel action forms, etc.)
  - c. Written documentation of reference checks verifying dates of employment and/or duties performed
  - d. Military service records
  - e. Written documentation from a college, university or organization verifying internship hours worked

### METHODOLOGY

#### Compliance Methodology:

**Systematic Sample.** Prior to the monitoring visit, the reviewer will request from the department a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or in the 12 months immediately preceding the monitoring visit, whichever timeframe is less. The reviewer will pull a computer-generated, non-sequential number (i.e., nth) of officer personnel files from the listing to arrive at the

required sample size which will be determined by applying the approved TJPC sampling methodology. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %

**Sample:** 10 Personnel Files

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 1 - 10

**Level:** Level 3 - Health & Safety

### REFERENCE MATERIAL

#### Recommended Best Practices:

The juvenile probation department should modify job announcements to reflect that the required educational credentials are essential components of the position.

#### Sample Form(s):

Accreditation Verification Form [TJPC-CER-08-04]

#### Citation(s):

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.20

#### Texas Register Publication Citation:

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

#### Cross Reference(s):

37 TAC Section 349.7(a) - Basic Certification  
Eligibility Requirements

Texas Human Resources Code Section  
141.061 - Minimum Standards For Juvenile  
Probation Officers

Texas Human Resources Code Section  
141.065 - Persons Who May Not Act as  
Juvenile Probation, Detention, or Corrections  
Officers

Texas Family Code Section 58.101 - Definition  
of Juvenile Justice Agency

Attorney General Opinion - JC-0041- Issued  
May 4, 1999 - Prohibition of peace officer  
simultaneously serving as a juvenile probation  
officer

Board Opinion:  
RFI Opinion:

#### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

#### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or within the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less.

**Reviewer Preparation Checklist Required:** True

**Reviewer Preparation Checklist:**

Prior to the monitoring visit, obtain a copy of the Grandfathered Officer List (GOL) and insert the list into the Reviewer Workbook.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

§341.21 Exemption from Qualifications.

(a) The juvenile board, or chief administrative officer shall apply to the Commission for exemption of the requirements of one year of experience or graduate study prior to the employment of any individual who is hired for the position of juvenile probation officer who does not meet the experience or education requirements under Texas Human Resources Code §141.061. If the chief administrative officer makes a request for exemption under this section, the chief administrative officer shall in writing notify the juvenile board of the request simultaneous with the request's submission to the Commission.

(b) The exemption request shall be made using the form provided by the Commission. The exemption request shall document that diligent efforts were made to employ a juvenile probation officer with one year of experience or graduate study and state why, in the requestor's opinion, the efforts were unsuccessful.

## COMMENTARY

**Discussion and Interpretation:**

This standard allows the juvenile board or chief administrative officer to seek an exemption from the requirement of one-year of work experience or one-year of graduate study for the employment of individuals as juvenile probation officers. Approval of an employment exemption must be received from the Commission prior to the individual's first day of employment.

All requests for an employment exemption must be made using the Commission's Internet-based Automated Certification Information System (ACIS) which is a password protected program. In order to use ACIS, a User Authorization Form must be submitted to the Commission by the chief administrative officer or the juvenile board.

The following information is required for the employment exemption request:

- a. Name of the individual for whom the employment exemption is sought;
- b. Documentation of the efforts that were made to hire a person with the requirements;
- c. Information on all candidates interviewed who meet the employment requirements but who are not being selected for employment. The reason for not selecting the qualified candidate must be provided.
- d. Demonstration of due diligence to employ a qualified individual. This means that a job vacancy must be posted for a minimum of 14 calendar days in at least three different locations;
- e. Explanation of the need for any emergency posting must be furnished if a job is posted for less than 14 calendar days or in fewer than three places.

The department shall print out a copy of the employment exemption request prior to submitting it to the Commission. The department must simultaneously notify the juvenile board in writing of the submission of the request. The department shall maintain all written correspondence related to employment exemptions in the officer's personnel file.

ACIS assigns a number to the employment exemption request, if approved by the Commission, and e-mails a notice of approval to the department. The notice of approval shall be maintained in the officer's personnel file. If for any reason the approval notice is not received, documentation can be requested from the Commission.

If upon review of the personnel files contained in the sample, it is found that any individual does not possess the required experience and/or education or if the personnel file does not contain the required documentation, this standard will be in non-compliance.

If during the certification process it is determined that an employment exemption was required but not submitted nor approved by the Commission prior to the individual's first day of employment, a Non-Compliance Citation Report (NCCR) will be issued by the Commission.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a systematic sample of juvenile probation officer personnel files to determine if an employment exemption was required. If an employment exemption was required, the reviewer will review the following:

- a. Copy of a letter notifying the juvenile board that an employment exemption was sought;
- b. Printout of completed ACIS Employment Exemption Form; and
- c. E-mail notification of approval of employment exemption request generated by ACIS or other written documentation of approval received from the Commission.

**Verification Documents:**

1. Printout of ACIS Employment Exemption Request
2. ACIS employment exemption request approval documentation
3. Copy of juvenile board notification letter

## METHODOLOGY

**Compliance Methodology:**

**Systematic Sample.** Prior to the monitoring visit, the reviewer will request from the department a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or in the 12 months immediately preceding the monitoring visit, whichever timeframe is less. The reviewer will pull a computer-generated, non-sequential number (i.e., nth) of officer personnel files from the listing to arrive at the required sample size which will be determined by applying the approved TJPC sampling methodology. If one or more of the files in the sample fail to meet the requirements of the standard, this standard will be in non-compliance.

**Monitoring Methodology:** Yes/No

**Sample:** 10 Personnel Files

**Point Value:** 10

**Total Points Possible:** 10

**Scoring Methodology:** 0 or 10

**Level:** Level 1 - Administrative

### REFERENCE MATERIAL

**Recommended Best Practices:**

**Sample Form(s):**

ACIS User Authorization Form [TJPC-MIS-01-04]

**Citation(s):**

Title 37 Texas Administrative Code

Part II Texas Juvenile Probation Commission

Chapter 341 Texas Juvenile Probation Commission §341.21

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action

28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Human Resources Code Section 141.061 - Minimum Standards for Juvenile Probation Officers

TJPC Automated Certification Information System (ACIS)

**Board Opinion:**

**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or within the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less.

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

## §341.22 Criminal Records Check.

Prior to employing a person as a certified juvenile probation officer, supervisor of juvenile probation officers, or chief administrative officer, the chief administrative officer, juvenile board, or either's designee shall initiate a criminal history check in accordance with the following guidelines.

(1) The following criminal history checks shall be conducted:

- (A) a Texas criminal history background search (TCIC);
- (B) a local law enforcement sex offender registration records check in the city or county where the applicant resides; and
- (C) a Federal Bureau of Investigation fingerprint based criminal history background search (NCIC).

(2) In addition to the requirements of paragraph (1) of this section, if the applicant currently resides in one of the following states, or resided in one of the following states within the 10 years prior to the date the employment application was made, a state criminal history background search and state sex offender registration check shall also be conducted where available:

- (A) Hawaii;
- (B) Kansas;
- (C) Kentucky;
- (D) Louisiana;
- (E) Maine;
- (F) Massachusetts;
- (G) New Hampshire;
- (H) Rhode Island;
- (I) Tennessee;
- (J) Vermont; and
- (K) the District of Columbia;

(3) An Internet based criminal background search shall not be used to conduct the background searches required under paragraph (1)(A) or (1)(C) of this section.

(4) A copy of the returned criminal history checks shall be retained in the department's records.

## COMMENTARY

**Discussion and Interpretation:**

This standard lists the required criminal history and local sex offender registration records checks that shall be initiated by the probation department prior to the employment of an individual as a juvenile probation officer, a supervisor of juvenile probation officers or a chief administrative officer.

Detailed information on performing criminal history and sex offender registration checks, the steps to take when the fingerprints are rejected and information pertaining to conducting out-of-state criminal history checks can be found in the

TJPC Certification Guidelines Manual (CGM), which is located on the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

**Requests For Criminal Records Checks**

Written requests for the Texas Crime Information Center (TCIC), National Crime Information Center (NCIC), local sex offender registration checks, and out-of-state records checks must be made at least the day before the individual's first day of employment and must follow the guidelines contained in the CGM.

**Documentation of Initiation of Checks**

If the probation officer's file does not contain all completed checks dated prior to the first day of employment, then there must be documentation supporting that the checks were initiated prior to the first day of employment.

Example - The personnel file of a juvenile probation officer who begins working on 9/30/2003 must contain either the returned checks (TCIC, NCIC and local sex offender registration) or documentation of the initiation of the checks dated on or before 9/29/2003 in order to be in compliance with this standard.

**Records Checks Initiated On The First Day Of Employment**

If the written documentation of a request for a criminal history or local sex offender registration check is dated on the day of employment and the returned checks are not in the file, this standard will be cited for non-compliance.

**Texas Law Enforcement Telecommunications Systems Checks**

If a criminal history check is initiated and completed using the department's or local law enforcement's Texas Law Enforcement Telecommunications System (TLETS) terminal, a printout of the returned check is required for documentation purposes.

**Criminal Records Checks Performed By A Third Party**

All requests made to a third party to perform a criminal history or sex offender registration check must be in written form such as a letter or memo dated and signed by the chief administrative officer, juvenile board chair or either's designee. A printed copy of an e-mail requesting a criminal history check will be accepted. Informal notes documenting the request of the criminal history, local sex offender registration checks and out-of-state checks will not be accepted as verification of compliance.

**Initiation of Out-of-State Checks**

If the individual has listed one of the states in Section 341.22(2)(A-K) as a place of residence in the 10 years prior to the date of the application, then a criminal history background check and a sex offender registration check in that state or states must be requested at least the day before the individual's first day of employment.

**Documentation Of Out-of-State Checks**

In order to ensure that a department has made an effort to determine if an applicant has maintained residency in any of the 10 enumerated states and/or the District of Columbia, supporting documentation must exist. The Commission has developed a form titled "Residency Verification Form" which shall be used for this purpose. Disclosure of out-of-state residency (within 10 years of the date of employment) in any of the listed states or the District of Columbia requires documentation of a criminal history inquiry specific to that jurisdiction.

**Local Sex Offender Registration Records Check**

A "local" sex offender registration records check is a search of the sex offender registration records maintained by the law enforcement jurisdiction where the individual resides. If the individual resides in the city limits, it is a check of the municipal law enforcement registry. If the individual resides outside the city limits or the city does not have a local law enforcement agency, it is a check of the sex offender registration database maintained by the sheriff's department. A check of the Sex Offender Registration database maintained by the DPS is not considered to be a local sex offender registry database check. The DPS Sex Offender Registration database may be used as a supplement to the local sex offender registration check.

**Electronic/Internet Searches**

The only electronic/Internet-based criminal history searches authorized by standards and accepted are those for out-of-state criminal history checks, out-of-state sex offender registration checks, and local law enforcement sex offender registration checks. TLETS is not an Internet-based search.

A department may elect to use or access a local law enforcement Internet-based database to conduct sex offender registration checks if one exists in the jurisdiction of the applicant's residence. For example, the Austin Police Department maintains a local sex offender registry on their local website, which identifies those individuals who reside within the city limits of Austin and are registered as a sex offender.

A check of the Convictions Database maintained by the DPS is not the equivalent of a TCIC based criminal history check as required in this standard and will not be accepted as the TCIC search. It may be used as a supplement to the TCIC criminal history check.

**Special Note:** Some local law enforcement websites provide a link or redirect the user to the DPS sex offender registry database. Caution should be used when accessing a local law enforcement on-line registry to ensure that the check is a local records check rather than a check of the DPS website.

**Criminal History Checks Older Than 90 Calendar Days**

A returned criminal history check or sex offender registration check that is more than 90 calendar days old on the individual's first day of employment will not meet the requirements under this standard and a citation for non-compliance will be issued.

**Intra-departmental Promotion To Juvenile Probation Officer**

If an individual is promoted to the position of juvenile probation officer and the individual previously held a position that did not require criminal history, local sex offender registration and out-of-state criminal history checks or if the criminal records checks were performed more than 24 months preceding the first day of employment in the new position, the criminal history and sex offender checks must be initiated no later than the day before the first day of employment in the new position or this standard will be in non-compliance.

**Return Date Of Criminal Records Checks**

The date used as the "return date" for the criminal history and sex offender registration checks can be one of four dates:

1. The official date stamp evidencing the department's receipt of the criminal history checks;
2. The typewritten date of the Federal Bureau of Investigation (FBI) or the Department of Public Safety (DPS) check on the form or letter sent to the department;
3. The date stamped on the form by the DPS stating that a "search of the records failed to disclose", etc.; or
4. The date reflected on the computer printout of any electronic or Internet-based criminal history or sex offender registration check authorized by this standard.

**Records Retention and Documentation**

Copies of all returned criminal history and sex offender registration checks shall be placed in the department's records in either the employee's personnel file or a master file designated for all criminal history and sex offender registration checks.

If a local or out-of-state law enforcement electronic/Internet database is used, a formalized way for the department to document and retain the information provided by or through an electronic registry must exist (i.e., printing relevant sections of registry information, formalized receipt or verification form completed by staff person(s) performing the registry review, etc.).

If a department uses a criminal history records master file, this practice is permissible. However, the chief or his or her designee shall be responsible for pulling the relevant criminal history record checks applicable to the personnel sample and providing them to the reviewer.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a systematic sample of juvenile probation officer personnel files to determine if the required criminal history and local sex offender registration checks were performed. The reviewer will:
  - a. Verify the current and past location(s) of residence(s) of the applicant for the purpose of establishing whether out-of-state criminal history and local sex offender registration checks were required and conducted;
  - b. Verify the employee's first date of employment;
  - c. Verify the date of the written requests for criminal history and local sex offender registration checks; and

d. Verify that the date on the request or return documentation was at least the day before the individual's first day of employment.

**Verification Documents:**

1. Juvenile probation officer personnel file:
  - a. Employment application
  - b. Residency Verification Form
  - c. Requests for criminal history and local sex offender registration checks
  - d. Returned criminal history and local sex offender registration checks

**METHODOLOGY**

**Compliance Methodology:**

Systematic Sample. Prior to the monitoring visit, the reviewer will request from the department a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or in the 12 months immediately preceding the monitoring visit, whichever timeframe is less. The reviewer will pull a computer-generated, non-sequential number (i.e., nth) of officer personnel files from the listing to arrive at the required sample size which will be determined by applying the approved TJPC sampling methodology. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 10 Personnel Files  
**Point Value:** 10  
**Total Points Possible:** 30  
**Scoring Methodology:** 0 - 10  
**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

The juvenile probation department should have returned TCIC, NCIC, local sex offender registration checks and/or any applicable out-of-state criminal history checks with no disqualifying criminal history or requirement to register as a sex offender prior to the offer of employment and no later than the day prior to the individual's first day of employment. If the required records checks cannot be returned before the first date of employment, sole supervision of and access to the juveniles should be prohibited.

The department should modify the employment application to state that an offer of employment is contingent on the returned criminal history, local sex offender registration and out-of-state criminal records checks that contain no disqualifying criminal history or requirement to register as a sex offender.

The department should conduct full criminal history and local sex offender registration checks (NCIC, TCIC, sex offender and out-of-state) on all department staff, volunteers and interns. This is especially important for Case Aides or any other employee or individual who have direct contact with juveniles.

The department should date stamp the returned checks when they are received to clearly document the date of receipt.

**Sample Form(s):**

Residency Verification Form [TJPC-CER-09-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.22(1-4)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 349.8(a) - Criminal History Checks

Texas Code of Criminal Procedure Chapter 62  
 - Sex Offender Registration Program

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or within the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less.

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- \_\_\_\_ Compliance
- \_\_\_\_ Non-Compliance
  - \_\_\_\_ Develop Program Improvement Plan
  - \_\_\_\_ Request Waiver
  - \_\_\_\_ Request Variance
- \_\_\_\_ Need Policy and Procedure
- \_\_\_\_ Need Training
- \_\_\_\_ Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

## §341.22 Criminal Records Check.

Prior to employing a person as a certified juvenile probation officer, supervisor of juvenile probation officers, or chief administrative officer, the chief administrative officer, juvenile board, or either's designee shall initiate a criminal history check in accordance with the following guidelines.

(5) Continued employment as a juvenile probation officer, supervisor of juvenile probation officers, or as the chief administrative officer shall be contingent upon the completion and return of criminal history checks that show the individual has no disqualifying criminal history in accordance with §341.23 of this chapter.

## COMMENTARY

**Discussion and Interpretation:**

If Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) criminal history checks, local sex offender registration checks or out-of-state criminal history checks (if applicable) are returned showing a disqualifying criminal history or the requirement to register as a sex offender, the individual shall not be employed as a juvenile probation officer, supervisor of juvenile probation officers or as a chief administrative officer.

When it is brought to the attention of the department or the juvenile board that an individual who is employed as a juvenile probation officer, supervisor of juvenile probation officers or as the chief administrative officer has a disqualifying criminal history or is required to register as a sex offender, the officer can no longer be employed in the capacity of a juvenile probation officer, supervisor of juvenile probation officers or the chief administrative officer. It is the responsibility of the department or juvenile board to notify the Commission of the disqualifying criminal history so that disciplinary proceedings under Section 349.21 et. seq. can be initiated.

Discussion and interpretation of the disqualifying criminal history can be found in Section 341.23(a) and in the Certification Guidelines Manual (CGM). The disqualifying criminal history as established in Section 341.23(a) is listed below.

(a) Disqualifying Criminal History. A person with the following criminal history shall be disqualified from employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer:

- (1) a felony conviction against the laws of this state, another state, or the United States within the past 10 years;
- (2) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past 10 years;
- (3) current felony probation or parole;
- (4) a jailable misdemeanor conviction against the laws of this state, another state or the United States within the past 5 years;
- (5) a deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United States within the past 5 years;
- (6) current misdemeanor probation or parole; or
- (7) registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a systematic sample of juvenile probation officer personnel files for any disqualifying offenses in the criminal history and sex offender registration checks.
2. If a disqualifying criminal history is found or the individual is required to register as a sex offender, the file will be reviewed for written notification or documentation from either law enforcement and/or the court stating the criminal history or the requirement to register as a sex offender is not accurate. Written notification or documentation shall be one of the following:
  - a. A pardon based upon proof of innocence or the reversal of a finding of guilt by an appellate court; or
  - b. Written documentation, such as court papers, letters or memoranda, from a law enforcement agency or a court of law, stating that the criminal history record reported on the individual is not accurate, or that the check was not conducted on the correct individual; or
  - c. Corrected criminal history and/or sex offender registration checks.

**Verification Documents:**

1. Juvenile probation officer personnel file:
  - a. Criminal history checks and local sex offender registration checks
  - b. Written law enforcement or court records refuting criminal history
  - c. Pardon documentation

## METHODOLOGY

**Compliance Methodology:**

**Systematic Sample.** Prior to the monitoring visit, the reviewer will request from the department a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or in the 12 months immediately preceding the monitoring visit, whichever timeframe is less. The reviewer will pull a computer-generated, non-sequential number (i.e., nth) of officer personnel files from the listing to arrive at the required sample size which will be determined by applying the approved TJPC sampling methodology. If one or more of the files in the sample fail to meet the requirements of the standard, this standard will be in non-compliance.

**Monitoring Methodology:** Yes/No  
**Sample:** 10 Personnel Files  
**Point Value:** 10  
**Total Points Possible:** 30  
**Scoring Methodology:** 0 or 10  
**Level:** Level 3 - Health & Safety

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

### REFERENCE MATERIAL

**Recommended Best Practices:**

If the individual denies that the conviction occurred or denies that he or she is required to register as a sex offender, the individual should be afforded due process to refute and deny any criminal history and sex offender registration documentation.

The juvenile probation department should have a policy that requires employees to immediately disclose an arrest and/or conviction for any criminal offense. The policy should also address procedures for the immediate notification of the Commission when a disqualifying criminal offense or the requirement to register as a sex offender is discovered by the department or juvenile board.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.22(5)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.22 (1-4) - Criminal Records Check

37 TAC Section 341.23 - Disqualification From Employment

37 TAC Section 349.21 et. seq. - Disciplinary Hearings

Texas Code of Criminal Procedures - Chapter 62

**Board Opinion:**

**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or within the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less.

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

§341.23 Disqualification from Employment.

(a) Disqualifying Criminal History. A person with the following criminal history shall be disqualified from employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer:

- (1) a felony conviction against the laws of this state, another state, or the United States within the past 10 years;
- (2) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past 10 years;
- (3) current felony probation or parole;
- (4) a jailable misdemeanor conviction against the laws of this state, another state or the United States within the past 5 years;
- (5) a deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United States within the past 5 years;
- (6) current misdemeanor probation or parole; or
- (7) registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

## COMMENTARY

**Discussion and Interpretation:**

Certain disqualifying criminal offenses prohibit an individual from being employed as a juvenile probation officer, a supervisor of juvenile probation officers or as a chief administrative officer. If a juvenile probation department hires a juvenile probation officer with a record of a disqualifying offense in his or her background, the department will be cited for non-compliance. Continued employment and/or failure to notify the Commission of a certified officer who has a disqualifying criminal history will result in a citation for non-compliance.

**Jailable Misdemeanors**

An individual will be disqualified from employment for jailable offenses. Class B misdemeanors and higher are punishable by confinement in jail. Class C misdemeanors are classified as fineable only offenses and carry no jail time as a punishment upon a conviction of the offense. However, habitual conduct or enhancement penalties arising from fineable only misdemeanors may result in jail confinement.

Upon discovering a misdemeanor conviction, etc., a department should refer to the provisions in the Texas Penal Code or other applicable codes such as the Health and Safety Code or the Parks and Wildlife Code, etc., to determine whether the offense is classified as a jailable offense. If an individual who is employed by the department as a juvenile probation officer, supervisor of juvenile probation officers or as the chief administrative officer commits and is convicted of a disqualifying misdemeanor offense on or after 9/1/2003, the individual is no longer eligible for employment or certification as a juvenile probation officer, supervisor of juvenile probation officers or the chief administrative officer. If the officer is certified, the officer is subject to disciplinary action by the Commission including immediate revocation or suspension of certification.

**Out-of-State Offenses**

An offense that is committed in another state of the United States is classified according to the laws of that state. The TJPC Certification Guidelines Manual (CGM) contains detailed information regarding out-of-state offenses.

**Current Misdemeanor Probation Or Parole**

The disqualification from employment eligibility for current misdemeanor probation or parole applies to jailable misdemeanor offenses committed on or after 9/1/2003 for which an officer was placed on deferred adjudication, probation or parole.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. On the date of the monitoring visit, generate a listing of all currently employed juvenile probation officers who were certified or recertified on or after 9/1/2003 or in the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less, using the Commission's Automated Certification Information System (ACIS).
2. Review a systematic sample of juvenile probation officer personnel files for any disqualifying criminal history.

**Verification Documents:**

1. Juvenile probation officer personnel file:
  - a. Returned NCIC criminal history check
  - b. Returned TCIC criminal history check
  - c. Returned local sex offender registration record check
  - d. Returned out-of-state criminal history checks (if applicable)
  - e. Returned out-of-state sex offender registration checks (if applicable)

## METHODOLOGY

**Compliance Methodology:**

**Systematic Sample.** The reviewer will generate a listing of all currently employed juvenile probation officers who were certified or recertified on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less, using the TJPC Automated Certification Information System (ACIS) via the Internet. The reviewer will pull a computer-generated, non-sequential number (i.e., nth) of officer personnel files from the listing to arrive at the required sample size which will be determined by applying the approved TJPC sampling methodology. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in

compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 11 Personnel Files  
**Point Value:** 10  
**Total Points Possible:** 30  
**Scoring Methodology:** 0 - 10  
**Level:** Level 3 - Health & Safety

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

### REFERENCE MATERIAL

**Recommended Best Practices:**

Due process should be afforded to an individual who disputes the documentation of a disqualifying criminal offense or the requirement to register as a sex offender.

**Sample Form(s):**  
N/A

**Citation(s):**  
 Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.23(a)

**Texas Register Publication Citation:**  
 28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**  
 37 TAC Section 341.22(5) - Criminal Records Check  
 37 TAC Section 349.7(a)(1) and (2) - Basic Certification Eligibility  
 37 TAC Section 349.27 - Disciplinary Hearing  
 Texas Code of Criminal Procedure - Chapter 62

**Board Opinion:**  
**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

**TEXT OF STANDARD**

**Subchapter:** E - Employment of Certified Juvenile Probation Officers

§341.23 Disqualification from Employment.

(b) Revocation or Suspension.

(1) Revocation. An individual whose certification has been revoked by the Commission shall never qualify for employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer.

(2) Suspension.

(A) An individual whose certification is currently under a suspension order issued under §349.27(d)(2) of this title shall not qualify for employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer so long as the suspension order remains in effect.

(B) An individual whose certification is currently under a suspension order issued under §349.31 of this title shall not qualify for employment as a juvenile probation officer until the Commission receives an order issued under Texas Family Code §232.013 staying or vacating the license suspension.

officers whose certification has been revoked or who are currently suspended can be accessed using the Commission's Automated Certification Information System (ACIS).

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, request a listing from the department of all currently employed juvenile probation officers hired on or after 9/1/2003 or within the 12 months immediately preceding the monitoring visit, whichever timeframe is less.
2. On the day of the monitoring visit, access ACIS via the TJPC website and print out a list of revoked and suspended officers.
3. Compare the list of revoked and suspended officers to the list of new hires to determine compliance.

**Verification Documents:**

1. List of juvenile probation officers
2. ACIS list of revoked and suspended officers

**COMMENTARY**

**Discussion and Interpretation:**

If the Commission revokes a certification as a result of a disciplinary proceeding, the revocation is a permanent action. If the Commission suspends a certification as a result of a disciplinary proceeding, the suspension is a temporary action for a time period established by the Commission. Upon expiration of the suspension time, the individual is eligible to be certified.

Employment of an individual as a juvenile probation officer, supervisor of juvenile probation officers, or the chief administrative officer whose certification has been revoked or who is under an order of certification suspension is strictly prohibited by this standard. A juvenile probation officer who is found to have violated the Code of Ethics is subject to a disciplinary hearing and possible suspension or revocation of certification.

**Revocation**

Any prior TJPC certification revocation shall prevent an individual from being employed as a juvenile probation officer, supervisor of juvenile probation officers or a chief administrative officer even if the type of revoked certification was for a detention or corrections officer. In other words, an applicant whose juvenile detention officer certification has been revoked is not eligible for employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer.

**Suspension**

A suspension order prevents employment as a juvenile probation officer, supervisor of juvenile probation officers or as a chief administrative officer as long as the suspension order remains in effect. If the suspension order was issued by the Commission as the result of a disciplinary hearing, the suspension order is in effect until the date provided in the order. If the suspension order was issued under the Texas Family Code Chapter 232 for failure to pay child support, then the suspension order remains in effect until the Commission receives an order from the court directing the Commission to lift the suspension.

**Pre-Employment Verification**

Prior to hiring an individual for the position of a juvenile probation officer, supervisor of juvenile probation officers or as chief administrative officer, the department or juvenile board shall determine if the individual has been the subject of revocation or is currently under an order of suspension by the Commission or a court. A list of

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No  
**Sample:** N/A  
**Point Value:** 10  
**Total Points Possible:** 30  
**Scoring Methodology:** 0 or 10  
**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**  
N/A

**Citation(s):**  
 Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.23(b)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 349.27 - Disciplinary Hearing;

37 TAC Section 349.31 - Mandatory Suspension For Failure to Pay Child Support

Texas Family Code Chapter 232 - Suspension of License For Failure To Pay Child Support

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all currently employed juvenile probation officers who were hired on or after 9/1/2003 or within the 12 month period immediately preceding the date of the monitoring visit, whichever timeframe is less.

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** F - Requirements for Juvenile Probation Officers

§341.28 Persons Who Must be Certified.

The chief administrative officer and any person hired as a juvenile probation officer, or as a supervisor of juvenile probation officers shall obtain and maintain an active juvenile probation officer certification from the Commission in accordance with Chapter 349 of this title.

## COMMENTARY

**Discussion and Interpretation:**

Any person hired as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer shall be certified within 180 calendar days after employment. An individual not certified within 180 calendar days after employment shall not perform the duties of a juvenile probation officer, supervisor of juvenile probation officers or a chief administrative officer. An individual who is not certified cannot retain the title of a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer.

If an individual has the requisite training required in Section 341.29, that person can hold the title of and perform the duties of a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer within the 180 calendar days after employment.

The department will be asked to provide an alphabetical personnel listing of all individuals currently employed by the department in any capacity including administrative staff, counselors, psychologists, aides, etc. The listing must contain the information required under "Reviewer Guidelines."

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, request a personnel listing of all individuals currently employed in any capacity by the juvenile probation department. The listing must include:
  - a. Employee name
  - b. Date of birth
  - c. Sex
  - d. Title held
  - e. Position held
  - f. Employment date
2. On the day of the monitoring visit, access the Commission's Automated Certification Information System (ACIS) on the TJPC website and print a listing of the department's certified juvenile probation officers.
3. Review the department's personnel listing to determine which employees are required to be certified by reviewing the title and position held.
4. Compare the personnel listing with the listing of certified juvenile probation officers to determine which employees hold positions requiring certification but who are currently not certified.
5. If applicable, review the personnel files of individuals not certified, but holding positions requiring certification, to determine whether they have been employed for less than 180 calendar days and have the training required in Section 341.29.

6. If applicable, interview identified juvenile probation officers who are pursuing certification but who do not have the required training under Section 341.29 regarding whether the officer is performing the duties of a certified juvenile probation officer.

**Verification Documents:**

1. Department personnel listing
2. ACIS list of certified juvenile probation officers
3. Juvenile probation officer personnel and/or training files
  - a. Training certificates or other training documentation

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.28

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.29 - Duties Of A Certified  
Probation Officer

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** True**Pre-Monitoring Preparation Checklist:**

Please provide a personnel listing of all individuals currently employed in any capacity by the department as of the date of this notice. The listing must include:

- a. Employee name
- b. Date of birth
- c. Sex
- d. Title held
- e. Position held
- f. Employment date

**Reviewer Preparation Checklist Required:** False**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** True**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** F - Requirements for Juvenile Probation Officers

## §341.29 Duties of Certified Juvenile Probation Officers.

(a) In addition to any duties, responsibilities or powers granted by Title III of the Texas Family Code, the following duties and responsibilities shall be performed only by certified juvenile probation officers:

- (1) dispositional recommendations in formal court proceedings;
  - (2) final approval of written social history reports;
  - (3) acting as the primary supervising officer for all court ordered and deferred prosecution cases;
  - (4) writing and administering case plans in accordance with the Commission's case management standards; and
  - (5) if authorized by the juvenile court under Texas Family Code §53.01, conducting intake interviews, investigations, and making release decisions.
- (b) An individual hired as a juvenile probation officer, who is not yet certified as a juvenile probation officer may perform the duties under (a) so long as the individual:
- (1) has not worked for the probation department for more than 6 months from the individual's date of hire;
  - (2) has received training on each duty listed under (a); and
  - (3) has received training in recognizing and reporting abuse, exploitation and neglect.

## COMMENTARY

**Discussion and Interpretation:**

This standard establishes the duties that can only be performed by a certified juvenile probation officer in addition to the duties, responsibilities and powers granted by Title III of the Texas Family Code.

Juvenile probation officers certified by the Commission are allowed to make disposition recommendations regarding a juvenile's case in court, have final approval of written social history reports (e.g., pre-dispositional reports, home evaluations, social evaluations, etc.), be the immediate supervising juvenile probation officer for probation supervision cases, write and administer the case plans, conduct intake interviews with juveniles and their families, investigate juvenile cases and make release decisions according to the Texas Family Code Section 53.01.

A juvenile probation officer who is not certified by the Commission may perform all the duties listed in this section if the officer has worked for the department for less than 180 calendar days and has received training in the five duties listed in Section 341.29(a)(1)-(5) and training in the recognition and reporting of abuse, exploitation, and neglect.

If the Commission discovers that an uncertified juvenile probation officer who has been employed more than 180 calendar days is performing the duties of a certified juvenile probation officer, this standard will be in non-compliance.

If the Commission discovers that an uncertified juvenile probation officer who has been employed for less than 180 calendar days is performing the duties of a certified juvenile probation officer without receiving training as required in this standard, this standard will be in non-compliance.

An individual who remains uncertified after 180 calendar days may continue employment with the juvenile probation department but cannot retain the title of juvenile probation officer and cannot perform any of the duties listed in this section.

Once certified by the Commission, an officer may resume the duties listed in this section.

The department will be asked to provide a personnel listing of all individuals currently employed by the department who hold the title of "juvenile probation officer." The listing must contain the information found in the "Reviewer Guidelines."

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, request that the department provide a listing of all individuals currently employed with the department who hold the title of juvenile probation officer. The listing must contain the following information:

- a. Employee name
- b. Date of birth
- c. Sex
- d. Title held
- e. Position held
- f. Employment date

2. On the day of the monitoring visit, access the Commission's Automated Certification Information System (ACIS) and generate a listing of all certified juvenile probation officers.

3. Compare the ACIS listing with the listing of employed juvenile probation officers to determine which officers are not certified (if any).

4. If applicable, during the monitoring visit review 10% of the uncertified juvenile probation officer personnel files (a minimum of one) to determine whether the individual has been employed for less than 180 calendar days, and whether the individual has received the required training.

5. If applicable, interview uncertified juvenile probation officers who have not received the required training to determine if they are performing the duties of a juvenile probation officer.

**Verification Documents:**

1. Department personnel listing
2. ACIS listing of certified juvenile probation officers
3. Juvenile probation officer personnel and/or training files
  - a. Training certificates or other training documentation

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

c. Sex

d. Title held

e. Position held

f. Employment date

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** True

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

## REFERENCE MATERIAL

**Recommended Best Practices:**

Individuals holding the position of juvenile probation officer should be certified as soon as possible when the requirements for training have been completed and the criminal history and sex offender registration records checks have been received.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code

Part II Texas Juvenile Probation Commission

Chapter 341 Texas Juvenile Probation Commission §341.29

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action

28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Section 53.01 - Preliminary Investigations and Determinations

Texas Family Code Title III - Juvenile Justice Code (Powers of a Juvenile Probation Officer)

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a personnel listing of all individuals currently employed with the juvenile probation department who hold the title of juvenile probation officer. The listing shall include:

a. Employee name

b. Date of birth

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter: F** - Requirements for Juvenile Probation Officers

§341.30 Code of Ethics. The people of Texas expect of juvenile probation officers, supervisors of juvenile probation officers, and chief administrative officers unflinching honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end the Commission subscribes to the following principles.

(1) Juvenile Probation Officers shall:

(A) respect the authority and follow the directives of the court, recognizing at all times that they are an extension of the court;

(B) respect and protect the civil and legal rights of all children and their parents;

(C) serve each case with concern for the child's welfare and with no purpose of personal gain;

(D) encourage relationships with colleagues of such character to promote mutual respect within the profession and improvement of its quality of service;

(E) respect the significance of all elements of the justice and human services systems and cultivate a professional cooperation with each segment;

(F) respect and consider the right of the public to be safeguarded from juvenile delinquency;

(G) be diligent in their responsibility to record and make available for review any and all case information which could contribute to sound decisions affecting a client or the public safety;

(H) report without reservation any corrupt or unethical behavior which could affect either a child or the integrity of the department;

(I) maintain the integrity of private information and not seek personal data beyond that needed to perform their responsibilities, nor reveal case information to anyone not having proper professional use for such;

(J) respect, serve and empathize with the victims of law violations allegedly committed by children; and

(K) abide by all federal, state, and local laws and Commission standards.

(2) Juvenile Probation Officers shall not:

(A) use their official position to secure privileges or advantages; make statements critical of colleagues or their departments unless these are verifiable and constructive in purpose;

(B) permit personal interest to impair in the least degree the objectivity which is to be maintained in their official capacity;

(C) use their official position to promote any partisan political purpose;

(D) accept any gift or favor of a nature to imply an obligation that is inconsistent with the free and objective exercise of professional responsibilities;

(E) make appointments, promotions or dismissals in furtherance of partisan political interests;

(F) maintain an inappropriate relationship with juveniles assigned to their caseload, supervised by the juvenile probation department, or coming under the jurisdiction of the juvenile court. An inappropriate relationship can include but is not limited to: bribery, solicitation or acceptance of gifts, favors, or services from juveniles or their families, and the appearance of an inappropriate relationship;

(G) not discriminate against any employee, prospective employee, child, child care provider, or parent on the basis of age, race, sex, creed, disability, or national origin.

(H) be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code Chapter 261, and Title 37 Texas Administrative Code Chapter 349.

(I) Interfere with or hinder a child abuse, exploitation and neglect internal investigation conducted under §343.15(b)(3) of this chapter or a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code Chapter 261, and Title 37 Texas Administrative Code Chapter 349, or any criminal investigation conducted by a law enforcement agency.

## COMMENTARY

**Discussion and Interpretation:**

Because of the profound impact a probation officer's judgment and behavior can have upon youth, families, communities and the overall integrity of the juvenile justice system, the Commission has adopted a formalized written code of ethical standards designed to guide the professional conduct of the state's juvenile probation officers. Additionally, the Commission has adopted enforcement procedures to help ensure that officers are accountable for any unethical behavior identified within standards. Enforcement proceedings are located in Title 37 Texas Administrative Code Section 349.21-349.32.

Section 349.21 requires the chief administrative officer, facility administrator or juvenile board to forward a copy of an internal investigation based on a Code of Ethics violation to the Commission. The internal investigation shall serve as a request for a disciplinary hearing. If the chief administrative officer or facility administrator makes the request for a disciplinary hearing, the chief administrative officer or facility administrator shall notify the juvenile board in writing of the request simultaneous with the request's submission to the Commission.

The ethical standards identified in this subchapter are mandatory and will be applied to all juvenile probation officers even if the standards are not part of local policy and procedure. Departments may elect to adopt additional ethical conduct expectations and prohibitions as a supplement to, but never as a replacement for this standard. Enforcement procedures for any supplemental Code of Ethics will be the sole responsibility of the local jurisdiction.

The provisions of the Code of Ethics subchapter will not be monitored as part of the Commission’s scheduled on-site monitoring visits but will be monitored in conjunction with any ensuing allegations and Commission investigations of unethical conduct.

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

**METHODOLOGY**

**Compliance Methodology:**

N/A

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

Immediately upon employment juvenile probation departments are encouraged to formally provide and train juvenile probation officers on the Commission’s Code of Ethics as well as any supplemental ethical standards adopted by the department. Additionally, members of the community should be made aware of, or have access to, these standards to help ensure officer accountability (e.g., by posting on the department’s website, in the department’s lobby, etc.).

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code

Part II Texas Juvenile Probation Commission

Chapter 341 Texas Juvenile Probation Commission §341.30

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action

28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 349.21-349.32 - Enforcement Proceedings

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard’s Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

TEXT OF STANDARD	COMMENTARY
<p><b>Subchapter:</b> G - Case Management Standards</p> <p>§341.35 Definitions. The following words or terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.</p> <p>(1) Case Plan-A written document that sets out actions and goals for a juvenile to follow while under the supervision of the juvenile court in order to make changes necessary to best meet the juvenile's status and circumstances over time. The case plan is developed for each adjudicated juvenile and addresses a juvenile's needs (e.g. educational, family, substance abuse, mental health, etc.), risks of re-offending, level of supervision, strengths and weaknesses, any appropriate intake information, SJS findings if any, preliminary investigation information, and victim impact statements utilizing all appropriate resources.</p> <p>(2) Case Plan Review-A written document that reviews and measures the initial case plan's goals for progress, including the reassessment and reevaluation of the juvenile's status, circumstances and resources.</p> <p>(3) Courtesy Supervision-A request from one Texas county (sending county) to another Texas County (receiving county) requesting supervision for an adjudicated juvenile who is or will be residing in the receiving county.</p> <p>(4) Exit Plan-The exit plan is the written document developed for each juvenile that identifies the juvenile's needs for post-supervision reintegration and specifies the community resources available to meet those needs. The purpose of the exit plan is to facilitate a continuum of community services to the juvenile and the juvenile's family after probation supervision ends.</p> <p>(5) 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.</p> <p>(6) Formal Referral-Occurs and should be counted when all three of the following conditions exist:</p> <p>(A) delinquent conduct, conduct indicating a need for supervision or violation of probation was allegedly committed;</p> <p>(B) the juvenile probation department has jurisdiction and venue; and</p> <p>(C) either a face-to-face contact occurs with the office or official designated by the juvenile board or written or verbal authorization to detain is given by the office or official designated by the juvenile board.</p> <p>(7) Residential Placement-Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(B) where the juvenile is placed on probation outside the child's home in either a foster home, or a public or private institution or agency.</p> <p>(8) Substitute Care Provider-A foster home, public or private institution or agency that provides residential services to juveniles.</p> <p>(9) Supervision-Supervision involves the case management of a juvenile by the assigned juvenile probation officer or designee through contacts (face to face, telephone, office, home, collateral) with the juvenile, juvenile's family, and other case planning participants.</p> <p>(10) TJPC Standard Screening Tool- An instrument provided by the Texas Juvenile Probation Commission to assist in identifying juveniles who may have mental health needs.</p>	<p><b>Discussion and Interpretation:</b></p> <p>This section contains definitions of terms that are used throughout this chapter. These definitions will not be monitored independently but will be monitored within the context of the standard wherein the definition appears.</p> <p><b>Reviewer Guidelines:</b></p> <p>N/A</p> <p><b>Verification Documents:</b></p> <p>N/A</p> <p><b>METHODOLOGY</b></p> <p><b>Compliance Methodology:</b></p> <p>N/A</p> <p><b>Monitoring Methodology:</b> N/A  <b>Sample:</b> N/A  <b>Point Value:</b> 0  <b>Total Points Possible:</b> 0  <b>Scoring Methodology:</b> N/A  <b>Level:</b> Level 0 - Not Monitorable</p> <p><b>REFERENCE MATERIAL</b></p> <p><b>Recommended Best Practices:</b></p> <p>N/A</p> <p><b>Sample Form(s):</b></p> <p>N/A</p> <p><b>Citation(s):</b>  Title 37 Texas Administrative Code  Part II Texas Juvenile Probation Commission  Chapter 341 Texas Juvenile Probation  Commission §341.35</p> <p><b>Texas Register Publication Citation:</b>  28(6) TexReg 1073 Proposed Action  28(14) TexReg 2929 Adopted Action</p> <p><b>Cross Reference(s):</b>  Texas Human Resources Code Section 141.042(e) - Rules Governing Juvenile Boards, Probation Departments, Probation Officers, Programs, and Facilities</p> <p>Texas Family Code Section 54.04 - Disposition Hearings</p> <p><b>Board Opinion:</b>  <b>RFI Opinion:</b></p>

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.36 Screening.

(a) TJPC Standard Screening Tool. The TJPC Standard Screening Tool, shall be completed for all juveniles who receive a formal referral to the juvenile probation department. If the TJPC Standard Screening Tool has been completed within the previous two weeks and is contained in the juvenile's case record, the department is not required to complete an additional screening.

(b) Time of Screening.

(1) Referrals Without Detention. The TJPC Standard Screening Tool shall be administered no later than 14 calendar days from the first face-to-face contact between the juvenile and a juvenile probation officer.

(2) Referrals With Detention.

(A) The TJPC Standard Screening Tool shall be administered to each juvenile admitted into detention.

(B) The TJPC Standard Screening Tool shall be administered within 48 hours from the time the juvenile is admitted into detention.

(c) Administration of Instrument. The TJPC Standard Screening Tool shall be administered by an individual trained to administer the instrument.

## COMMENTARY

**Discussion and Interpretation:**

The Texas Human Resources Code Section 141.042(e) requires the Commission to select a standard assessment tool for the initial assessment of juveniles under the jurisdiction of probation departments. The Commission has selected the Massachusetts Youth Screening Instrument-2 (i.e., MAYSI-2, pronounced may-zee two). This screening instrument is used to identify signs of mental and emotional disturbance or distress. Departments are required to use this instrument to assess each juvenile who is referred to the department for an offense. Subsection (b)(2) details the requirements of the administration of the MAYSI-2 to juveniles who are detained and will be monitored under Chapter 343. For more discussion of this standard, see 37 Texas Administrative Code Section 343.30(i).

**The Initial Administration of the MAYSI-2**

The MAYSI-2 shall be administered to all juveniles who either have a face-to-face contact with a juvenile probation officer or who are placed into detention as a result of a formal referral to the juvenile probation department. The MAYSI-2 can be completed using the computer-based model or by completing the written paper form. The completed MAYSI-2 (either the actual form or the printed results from the computer generated screening) shall be maintained in the juvenile's file to document compliance with this standard.

**Referrals without Detention**

Section 341.36(b)(1) only applies to juveniles referred to the juvenile probation department. This standard does not apply to juveniles who were taken into custody and admitted into detention. For example, if a juvenile probation officer conducts an intake meeting with a juvenile at a police station, the department has 14 calendar days to conduct the MAYSI-2 on that juvenile. The time of the screening date will be counted 14 calendar days after the first face-to-face contact (i.e., the police station) between the juvenile and a juvenile probation officer. If the first face-to-face contact occurs on 9/1/2003, then the MAYSI-2 must be conducted no later than 9/15/2003, counting 9/2/2003 as the first calendar day and 9/15/2003 as the 14th calendar day. The date the MAYSI-2 is completed shall be documented on the completed MAYSI-2

form. The computerized MAYSI-2 printout documents the date automatically when the screening is complete.

**Subsequent Referrals**

A MAYSI-2 must be administered on every juvenile who has a subsequent formal referral unless a MAYSI-2 was administered on them within 14 calendar days, either by the probation department or a detention facility.

**Examples:**

1. A juvenile is detained on 9/1/2003 and a MAYSI-2 is administered on 9/2/2003 within the 48-hour detention standard requirement. The juvenile is released from detention on 9/5/2003 but then receives a subsequent formal referral. The juvenile has the first face-to-face contact on 9/10/2003. Since a MAYSI-2 was administered eight calendar days prior, an additional MAYSI-2 is not required for the formal referral of 9/10/2003.

2. A juvenile has the first face-to-face visit on 9/1/2003 for a new offense and the MAYSI-2 is not completed immediately as the officer has 14 calendar days to administer it. The juvenile is detained on 9/10/2003 for a subsequent offense and a MAYSI-2 is administered on 9/11/2003. Since 14 calendar days has not lapsed since the first face-to-face contact of the 9/1/2003 referral, the MAYSI-2 administered by the detention facility on 9/11/2003 may be used for the 9/1/2003 referral.

In order for a department to count a MAYSI-2 screening result on a formal referral to the department that was conducted within a detention facility, the computer-generated or completed MAYSI-2 paper form with the date of the screening documented on the MAYSI-2 must be obtained.

**Persons Eligible to Administer the MAYSI-2**

The employee administering the screening tool does not have to be a certified juvenile probation officer but the employee has to have either received a training certificate from the Commission in administering the MAYSI-2 or from an individual who has received the MAYSI-2 administration training from the Commission.

The name of the individual administering the MAYSI-2 shall be documented on the completed MAYSI-2 form or documented in a chronological entry in the juvenile's case file.

If the juvenile, juvenile's parent or juvenile's attorney refuses permission to have the MAYSI-2 administered, this fact must be documented in chronological entries to avoid non-compliance of this standard.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Prior to the monitoring visit, request from the juvenile probation department a list of all individuals who administer the MAYSI-2 and written training documentation verifying that all listed individuals were trained in the administration of the MAYSI-2.
2. At the monitoring visit, review of a random sample of juvenile case files to determine whether the MAYSI-2 was conducted according to the required time frames of this standard by a trained individual. The reviewer will:
  - a. Determine the date of the first face-to-face contact on either the department's intake form or on a chronological entry by the juvenile probation officer;
  - b. Determine the date the MAYSI-2 was completed by reviewing the date on the computerized printout or MAYSI-2 instrument. Chronological entry documentation will not be accepted for compliance; and
  - c. Determine if the person who administered the MAYSI-2 has received training by verifying the training documentation.

**Verification Documents:**

1. Department listing of individuals who are authorized to administer the MAYSI-2
2. Training documentation for individuals who are authorized to administer the MAYSI-2
3. Juvenile case file:
  - a. MAYSI-2 (computer printout or printed form)
  - b. Chronological entries

**METHODOLOGY****Compliance Methodology:**

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were formally referred to the probation department on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The referral date must be 15 calendar days old. The Research Division will specify the PID Number, the Referral Number and the Referral Date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %

**Sample:** 1B Juvenile Case Files

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 - 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL****Recommended Best Practices:**

N/A

**Sample Form(s):**

MAYSI-2 [TJPC-FS-05-04]

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.36

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.35(6) - Definitions of  
Formal Referral

37 TAC Section 343.30(i) - Detention  
Screening

Texas Human Resources Code Section  
141.042(e) - Screening Tool

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** True

**Pre-Monitoring Preparation Checklist:**

Please provide a listing of all individuals who administer the MAYSI-2 in your department and written training documentation verifying that all listed individuals were trained in the administration of the MAYSI-2.

**Reviewer Preparation Checklist Required:**

True

**Reviewer Preparation Checklist:**

Obtain the listing of randomly selected juvenile cases for Sample 1B from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.37 Case Planning.

In accordance with §341.38 or §341.39 of this chapter, a written case plan shall be developed and implemented for juveniles assigned to progressive sanctions levels three through five and any juvenile given determinate sentence probation under Texas Family Code §54.04(q).

## COMMENTARY

**Discussion and Interpretation:**

A written case plan shall be completed on each juvenile adjudicated by the juvenile court and given a progressive sanction level of three (3) through five (5) and any child given determinate sentence probation in accordance with Texas Family Code Section 54.04(q).

This standard will be monitored under Section 341.38 and Section 341.39 of this chapter, which addresses case plans and case plan reviews on juveniles on court-ordered probation supervised in the community and in residential placement. Two random samples will be selected for monitoring purposes—one for juveniles under field supervision (Section 341.38) and one for juveniles in residential placement (Section 341.39).

Juvenile files will be reviewed for required documentation of initial case plans and case plan reviews. In addition, documentation of a level of supervision and a face-to-face contact will be monitored in Section 341.40(b) and (c).

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

## METHODOLOGY

**Compliance Methodology:**

N/A

**Monitoring Methodology:** N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

## REFERENCE MATERIAL

**Recommended Best Practices:**

Case planning practices should be extended to juveniles assigned to deferred prosecution supervision to help ensure successful completion of their supervision.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.37

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.38 - Case Plans Field  
Supervision

37 TAC Section 341.39 - Case Plans  
Residential Placement

37 TAC Section 341.40(b) - Level of  
Supervision

37 TAC Section 341.40(c) - Face-to-Face  
Contact

Texas Family Code, Section 54.04(q) -  
Determinate Sentencing

**Board Opinion:****RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE  
ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.38 Field Supervision

(a) Initial Case Plan. The initial case plans for juveniles placed on field supervision shall be:

- (1) developed in consultation with the juvenile's parent, guardian or custodian, the juvenile and the supervising juvenile probation officer and any other interested parties;
- (2) developed within 60 calendar days from the date of the juvenile's disposition;
- (3) signed and dated by the juvenile, the juvenile's parent, guardian or custodian, supervising juvenile probation officer and any interested parties; and
- (4) maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian or custodian.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires the development of a case plan and establishes the minimum case plan requirements for those juveniles who:

- a. Have been adjudicated by the juvenile court;
- b. Have received formal court ordered probation;
- c. Have been assigned to progressive sanctions level 3-5, or given determinate sentence probation (Section 341.37); and
- d. Reside in the community with a parent, guardian or custodian.

There is no required format or form for the case plan so long as the written case plan meets all of the requirements of this standard. However, use of the Commission's Child/Family Case Plan - Community Supervision form would assist a juvenile department in documenting completion of the provisions of this standard. Full compliance will be dependant on a probation officer's fulfillment of their obligation relating to case planning. The Commission's Child/Family Case Plan - Community Supervision form is available online at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us).

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

**Timing of the Case Plan**

The supervising juvenile probation officer shall allow the juvenile and the parent to offer their ideas regarding the goals and actions detailed in the case plan. The case plan shall be developed, completed, signed and dated by the juvenile, juvenile's parent and supervising juvenile probation officer within 60 calendar days after the date of the disposition hearing. For example, if a juvenile's disposition hearing is held on 9/1/2003, then the initial case plan shall have a completion date no later than 10/31/2003. The 60 day count begins on the day after the disposition date.

**Parent Participation**

A sentence or other notation acknowledging that the juvenile and the parent participated in the process and received a copy of the case plan shall be included in the case plan. Documentation must reflect that parent and juvenile participation occurred prior to completion of the case plan. If the date of the parent's and juvenile's signature is after the date of the juvenile probation officer's signature, it suggests that the juvenile probation officer completed the case plan without the parent's or juvenile's input and presented it to them after completion. If the parent or

juvenile's signature is dated on a date later than the juvenile probation officer's signature, that file will be out of compliance. It is essential that the juvenile probation officer be the last person to sign and date the case plan in order to be in compliance with this standard.

The supervising juvenile probation officer shall make a diligent effort to contact and obtain a parent's signature. If a parent signature is not obtained, compliance will be verified by reviewing documentation of the efforts such as chronological entries of phone calls, home/work visits or returned receipt of certified letters. If a parent explicitly refuses to participate or sign the case plan or if the supervising juvenile probation officer cannot locate the parent, the juvenile probation officer shall document this in writing in the juvenile's case plan. If a parent is in prison or otherwise and unable to participate, the person who is legally responsible for the care and custody of the juvenile shall participate and sign the case plan. The case plan shall be kept in the juvenile's file.

**Courtesy Supervision/Transfer of Jurisdiction**

Although Transfer of Jurisdiction cases are not addressed within the context of the standard, they will be monitored under the guidelines of the Courtesy Supervision cases.

If a sending county requests a receiving county to accept courtesy supervision of a juvenile case, the sending county has 60 calendar days from the disposition date to complete the case plan and forward it to the receiving county. It is the sending county's responsibility and obligation to develop and complete the case plan prior to forwarding it to the receiving county.

Once the receiving county receives the case plan, they have 15 calendar days to conduct a case plan review according to Section 341.38(b)(1)(C).

If the receiving county accepts a juvenile case without a case plan, a case plan must be completed either within 60 calendar days from disposition date or 15 calendar days from accepting the case, whichever applies. Although county A neglected to complete the initial case plan, county B must complete a case plan within the case plan review standard.

If the receiving county accepts a case within 60 calendar days of the disposition date and the sending county has not completed a case plan, then the receiving county has the remainder of that 60-calendar day time frame to complete the initial case plan.

If the 60-calendar day time frame has lapsed upon acceptance of a case without a case plan, then the receiving county has 15 calendar days from the date it accepted the case to complete the initial case plan.

Placement of a Juvenile by Child Protective Services (CPS) or Parent

If a juvenile is placed by CPS or a parent and not by the juvenile court, the supervising juvenile probation officer shall develop and complete a case plan in accordance with the field supervision standard, not the residential placement standard. For example, if a juvenile is placed on court-ordered probation and during the probation period, CPS or the juvenile's parent places the juvenile into any type of residential placement setting, the supervising juvenile probation officer shall complete a case plan under this standard (field supervision) that addresses this placement. The treatment plan of the residential facility will not suffice for this case plan since the juvenile was not placed by the juvenile court.

Concurrent/Dual Probation Court Orders

If a juvenile receives a disposition of probation on more than one cause number, only one case plan will be expected for that juvenile. If a juvenile has four separate cases involving four offenses and receives four probation orders, only one case plan will be required. The case plan should encompass all issues and circumstances regarding all offenses.

If a juvenile receives a disposition of probation on one cause number, and then on a later date that is less than 6 months (180 calendar days) receives an additional disposition of probation on a new cause number, a new case plan will not be required. Instead, a case plan review of the original case plan will be required according to Section 341.38(b). Although this is not a modification of the original court order, it will be viewed as such for this standard.

Interstate Compact of Juveniles

Since Interstate Compact cases do not fall under the guidelines of Section 341.38, case plans or case plan reviews are not required for those juvenile's files and will not be monitored.

#### Reviewer Guidelines:

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine whether the case plan was completed in a timely manner and in consultation with all required parties. To determine this, the reviewer will review:
  - a. The court order to establish the date of the disposition hearing;
  - b. The date of completion of the initial case plan to determine if the case plan was completed within 60 calendar days after the disposition hearing;
  - c. The statement reflecting that the parent and child acknowledge they were allowed input and participation in the development of the case plan and were given copies of the case plan; and
  - d. Signatures of the juvenile, juvenile's parent and supervising juvenile probation officer on the case plan.

#### Verification Documents:

1. Juvenile case file:
  - a. Disposition court order
  - b. Case plan

## METHODOLOGY

### Compliance Methodology:

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation and did not receive a residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The disposition date must be more than 61 calendar days old. The Research Division will specify the PID Number, the referral number, the offense and the disposition date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 1 Juvenile Case Files  
**Point Value:** 10  
**Total Points Possible:** 20  
**Scoring Methodology:** 0 - 10  
**Level:** Level 2 - Provision of Services

## REFERENCE MATERIAL

### Recommended Best Practices:

Departments should utilize a risk and needs assessment tool to identify the areas of strengths and weaknesses of a juvenile in the development of their case plan.

If the juvenile is placed by Child Protective Services or their parent, the supervising juvenile probation officer should involve the placement staff in the development of the case plan while the juvenile is in placement.

**Sample Form(s):**  
 Child/Family Case Plan - Community Supervision [TJPC-FED-14-04]

**Citation(s):**  
 Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.38(a)

**Texas Register Publication Citation:**  
 28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.37 - Case Planning

37 TAC Section 341.38(b) - Case Plan Review

37 TAC Section 341.40(b) - Level of Supervision

Texas Family Code 54.04(q) - Determinate Sentence

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** True**Reviewer Preparation Checklist:**

Obtain the listing of randomly selected juvenile cases for Sample 1 from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.38 Field Supervision

## (b) Case Plan Review.

## (1) Case plans shall be reviewed and updated:

(A) at least every six months;

(B) within 15 calendar days after a juvenile's probation is modified by a court order; and

(C) within 15 calendar days after acceptance of a juvenile's case from another county for courtesy supervision.

(2) The juvenile and at least one parent, guardian or custodian and the supervising juvenile probation officer shall participate in the review process.

## (3) The case plan review shall document the following:

(A) appropriateness of the juvenile's current level of supervision and services;

(B) extent of the juvenile's compliance with the individualized case plan;

(C) extent of the juvenile's compliance with the conditions of probation;

(D) extent of progress toward the goals outlined in the case plan;

(E) a projection of a likely date the juvenile is expected to complete probation; and

(F) services assessed, offered or provided to the juvenile and family to address identified risks and needs.

(4) All case plan reviews shall be signed and dated by the juvenile, the juvenile's parent, guardian, or custodian and the juvenile's supervising juvenile probation officer.

(5) Copies of every case plan review shall be maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian or custodian.

Case Plan - Community Supervision. The Federal Programs Division's format shall not be used for this standard. Departments should have separate forms for the initial case plans and case plan reviews.

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

## Timing of Case Plan Review

A case plan shall be reviewed and dated no later than six months from the disposition date, which is interpreted to be 180 calendar days. For example, if disposition was conducted on 10/1/2003, a case plan review should be completed no later than 3/29/2004. Another case plan review should be completed no later than 9/27/2004 and so on. The 180-calendar-day count begins one day after the disposition date. Subsequent case plan reviews shall be conducted every 180 calendar days thereafter.

If a juvenile receives a modification of his or her probation, a case plan review shall be completed no later than 15 calendar days after the date of modification. For example, if a case plan was completed on 10/1/2003, and a court order modifying the child's probation was entered on 12/5/2003, then a case plan review shall be completed no later than 12/20/2003.

## Concurrent/Dual Probation Court Orders

If a juvenile receives a disposition of probation on one cause number, and then on a later date receives an additional disposition of probation on a new cause number, a new case plan will not be required. A case plan review of the original case plan will be required. For example, if a case plan is completed on 9/15/2003 and the juvenile returns to court under a new cause number on 9/30/2003, a case plan review must take place no later than 10/15/2003.

## Courtesy Supervision/Transfer of Jurisdiction

A case plan shall be reviewed upon accepting a courtesy supervision case from another county. It is the sending county's responsibility and obligation to develop and complete the case plan prior to forwarding it to the receiving county. Chronological entries or other written documentation will be accepted for compliance regarding the acceptance date of courtesy supervision cases. Courtesy supervision is defined in Section 341.35. When a department accepts a courtesy supervision case, a case plan review must be completed within 15 calendar days of the date of acceptance as long as the initial case plan has been received by the accepting county.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires that a case plan review be conducted and establishes the minimum case plan review requirements for those juveniles who:

- a. Have been adjudicated by the juvenile court;
- b. Have received formal court ordered probation;
- c. Have been assigned to progressive sanctions level 3-5, or given determinate sentence probation (Section 341.37); and
- d. Reside in the community with a parent, guardian or custodian.

There is no required format or form for the case plan review so long as the written case plan review meets all of the requirements of this standard. However, use of the Commission's Field Supervision Case Plan Review form would assist a juvenile probation department in documenting completion of the provisions of this standard. Full compliance will be dependent on a probation officer's fulfillment of their obligation relating to case planning. The Commission's Field Supervision Case Plan Review form is available online at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us). The Field Supervision Case Plan Review form is different than the Federal Programs Division's Review of Child/Family

If a sending county requests a receiving county to accept courtesy supervision of a juvenile case, the sending county has 60 calendar days from the disposition date to complete the case plan and forward it to the receiving county. Once the receiving county receives the case plan, they have 15 calendar days to conduct a case plan review according to Section 341.38(b)(1)(C).

#### Parent Participation

The juvenile, the juvenile's parent and the supervising juvenile probation officer must participate in the review process. The case plan review must be dated, signed by all three parties and filed in the juvenile's case file. A sentence acknowledging that the juvenile and the parent participated in the process and received a copy of the case plan review shall be included in the case plan review. The case plan review must document all of the elements contained in Section 341.38(b)(3)(A-F).

The supervising juvenile probation officer shall make a diligent effort to contact and obtain the parent's signature. If a parent's signature is not obtained, compliance will be verified by reviewing documentation of the efforts such as chronological entries of phone calls, home/work visits or returned receipt of certified letters. If a parent explicitly refuses to participate or sign the case plan or if the supervising juvenile probation officer cannot locate the parent, the juvenile probation officer shall document this in writing in the juvenile's case plan. If a parent is in prison or otherwise unable to participate, the person who is legally responsible for the care and custody of the juvenile shall participate and sign the case plan.

Documentation must reflect that both the parent and juvenile participation occurred prior to completion of the case plan review. If the date of the parent's or juvenile's signature is after the date of the juvenile probation officer's signature, it suggests that the juvenile probation officer completed the case plan review without the parent's or juvenile's input and presented it to them after completion. If the parent's or juvenile's signature is dated on a date later than the juvenile probation officer's signature, that file will be out of compliance. It is essential that the juvenile probation officer be the last person to sign and date the case plan review in order to be in compliance with this standard.

#### Interstate Compact of Juveniles

Since Interstate Compact cases do not fall under the guidelines of Section 341.38, case plans or case plan reviews are not required for those juvenile's files and will not be monitored.

#### Reviewer Guidelines:

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine whether the case plan review was conducted in a timely manner and contains all required elements of this standard. To determine this, the reviewer will:

- a. Review the juvenile court order for the date of disposition or modification;
- b. Determine whether the case plan review was completed within the required timeframe;
- c. Review the completed case plan review for documentation of elements A-F in this standard;
- d. Verify the case plan review contains a statement reflecting that the parent and juvenile were allowed input and participation into the development of the case plan review and were provided a copy of the case plan; and
- e. Verify the case plan review contains the signatures of the juvenile, the juvenile's parent and the supervising juvenile probation officer.

#### Verification Documents:

1. Juvenile case file:
  - a. Court order of disposition or modification
  - b. Case plan review

c. Courtesy supervision or transfer of jurisdiction request or acceptance letter or other written documentation, including chronological entries, if applicable

### METHODOLOGY

#### Compliance Methodology:

**Random Sample.** The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation and who did not receive a residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The disposition date must be more than 181 days old. The Research Division will specify the PID Number, the Referral Number, the Offense and the Disposition Date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %

**Sample:** 1A Juvenile Case Files

**Point Value:** 10

**Total Points Possible:** 20

**Scoring Methodology:** 0 - 10

**Level:** Level 2 - Provision of Services

### REFERENCE MATERIAL

#### Recommended Best Practices:

A case plan review should occur when significant changes happen in a juvenile's life, such as moving to another parent's home, moving into a new school district, getting a job, or losing a job, etc.

#### Sample Form(s):

Field Supervision Case Plan Review [TJPC-FS-06-04]

#### Citation(s):

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.38(b)

#### Texas Register Publication Citation:

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.35 - Definition of Courtesy Supervision

37 TAC Section 341.37 - Case Planning

37 TAC Section 341.38(a) - Field Supervision Case Plan

Texas Family Code, Section 54.04(q) - Determinate Sentencing

**Board Opinion:****RFI Opinion:****EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** True**Reviewer Preparation Checklist:**

Obtain the listing of randomly selected juvenile cases for Sample 1A from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.39 Residential Placement

(a) Initial Case Plan. The initial case plans for juveniles placed in residential placement shall:

(1) be developed and implemented within 30 calendar days of the juvenile's initial date of placement;

(2) be developed in consultation with the juvenile's parent, guardian or custodian, the juvenile, the substitute care provider and the supervising juvenile probation officer;

(3) contain specific behavioral goals using the nine domains outlined in Title 1 Part 15 Texas Administrative Code §351.13;

(4) be signed by the juvenile and the juvenile's parent, guardian or custodian and the juvenile's supervising probation officer; and

(5) be retained in the juvenile's case file with copies provided to the juvenile, the juvenile's parent, guardian or custodian and the substitute care provider.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires the development of a case plan and establishes the minimum case plan requirements for those juveniles who:

- a. Have been adjudicated by the juvenile court;
- b. Have received formal court ordered probation;
- c. Have been assigned to progressive sanctions level 3-5, or given determinate sentence probation (Section 341.37); and
- d. Reside in a secure or non-secure residential placement ordered by the juvenile court.

In 1997, the 75th Legislature directed the Health and Human Services Commission (HHSC) to establish rules requiring substitute care providers to implement result-oriented standards which a provider of substitute care services for children placed in residential care by the state must achieve. These measurable outcome standards will enhance accountability by clarifying expectations and will provide the placing agency quantifiable information regarding the substitute care providers' service delivery and be able to determine whether children placed with a particular provider are progressing toward achievement of identified goals. This information is useful in identifying providers who are improving their clients' well being, resulting in improvement of the quality of services to children in substitute care.

Texas Government Code Section 531.047 is the statute that requires the Texas Health and Human Services Commission to promulgate rules for substitute care providers. The actual outcome standards promulgated by the Texas Health and Human Services Commission are found in Title 1 Texas Administrative Code Section 351.13. The case plan shall contain specific goals that address the nine domain areas as specified in the substitute care provider standards: medical, safety and security, recreational, educational, mental/behavioral health, relationship, socialization, permanence and parent/child participation.

A department shall use the Commission's case plan format that is used by the Federal Programs Division identified in the Sample Form section and located on the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us). The form is called the Child/Family Case Plan. This case plan must be developed and completed jointly by the juvenile probation officer and the substitute care provider on a juvenile placed in a secure or non-secure residential placement by order of the juvenile court.

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

**Timing of the Case Plan**

The case plan shall be developed, completed, signed and dated by the juvenile, the juvenile's parent, the substitute care provider and the supervising juvenile probation officer within 30 calendar days after the date of initial placement. The date of placement must be documented on the case plan for compliance. The 30-calendar-day count begins on the day after the date of admission. For example, if a juvenile is placed on 9/1/2003, then the initial case plan shall be completed with all signatures and dated no later than 10/1/2003.

**Parent/Provider Participation**

The juvenile probation officer and the substitute care provider shall develop the initial case plan for the juvenile and allow the juvenile and the parent to provide input into the goals and actions for the case plan. It is not required that all nine domain areas be addressed in a juvenile's case plan if there are no existing issues or problems in those areas. If there is no goal for a specific domain area, the officer shall put "N/A" to be in compliance for that file.

Documentation must reflect that parent and juvenile participation occurred prior to completion of the case plan. If the date of the parent's and juvenile's signature is after the date of the juvenile probation officer's signature, it suggests that the juvenile probation officer completed the case plan without the parent's or juvenile's input and presented it to them after completion. If the parent's or juvenile's signature is dated on a date later than the juvenile probation officer's signature, that file will be out of compliance. It is essential that the juvenile probation officer be the last person to sign and date the case plan in order to be in compliance with this standard.

The supervising juvenile probation officer shall make a diligent effort in contacting and obtaining the parent's signature. Compliance will be verified by written documentation of the efforts made and by chronological entries of all phone calls, home/work visits or returned receipt of certified letters. If a parent explicitly refuses to participate or sign the case plan and the supervising juvenile probation officer cannot locate the parent, the juvenile probation officer shall document this in writing on the juvenile's case plan. If a parent is in prison or otherwise and unable to participate, the person who is legally responsible for the care and custody of the juvenile shall participate and sign the case plan.

# Texas Juvenile Probation Commission

341.39(a)

It is an accepted practice to fax the case plan to obtain all the required participant's signatures. The case plan shall be retained in the juvenile's case file and copies shall be provided to all required parties.

Placement of a Juvenile by Child Protective Services (CPS) or Parent

If a juvenile is placed by Child Protective Services (CPS) or a parent and not by the juvenile court, the supervising juvenile probation officer shall develop and complete a case plan in accordance with the field supervision standard Section 341.38, not the residential placement standard.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine whether the initial case plan was completed in a timely manner and in accordance with the requirements of this section. The reviewer will:
  - a. Verify the documentation of the admission date;
  - b. Verify that the nine behavioral goals using the nine domains are addressed in the case plan;
  - c. Identify the signatures of the juvenile, juvenile's parent, substitute care provider, and the supervising juvenile probation officer on the initial case plan; and
  - d. Review the date the initial case plan was completed to determine if it was within 30 calendar days after the juvenile's admission.

**Verification Documents:**

1. Juvenile case file:
  - a. Case plan

**METHODOLOGY**

**Compliance Methodology:**

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation that included a secure or non-secure residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The placement date must be more than 31 calendar days old. The Research Division will specify the PID Number, the Referral Number and the Referral Date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 2 Juvenile Case Files  
**Point Value:** 10  
**Total Points Possible:** 20  
**Scoring Methodology:** 0 - 10  
**Level:** Level 2 - Provision of Services

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**

Child/Family Case Plan [TJPC-FED-12-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.39(a)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

1 TAC Section 351.13 - Substitute Care  
 Provider Outcome Standards

37 TAC Section 341.38 - Field Supervision

37 TAC Section 343.52 - Post-Adjudication  
 Individualized Treatment Plan

Texas Family Code, Section 54.04(q) -  
 Determinate Sentencing

Texas Government Code 531.047- Substitute  
 Care Provider Outcome Standards

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
 N/A

**Reviewer Preparation Checklist Required:**  
 True

**Reviewer Preparation Checklist:**  
 Obtain the listing of randomly selected juvenile cases for Sample 2 from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.39 Residential Placement

## (b) Case Plan Review.

- (1) Case plans shall be reviewed and updated at least every 90 calendar days.
- (2) The juvenile and at least one parent, guardian, or custodian shall participate in the case plan review with the substitute care provider and the juvenile's supervising juvenile probation officer.
- (3) The case plan reviews shall measure the juvenile's progress toward meeting his/her goals using the six point scale outlined in Title 1 Part 15 Texas Administrative Code §351.13.
- (4) The outcome of the substitute care provider's service delivery shall be assessed based on whether the child is progressing in fifty percent or more of identified goals.
- (5) Case plan reviews shall be signed by the juvenile, the juvenile's parent, guardian, or custodian and the supervising juvenile probation officer.
- (6) Copies of every case plan review shall be retained in the juvenile's case file.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires that a case plan review be conducted and establishes the minimum case plan review requirements for those juveniles who:

- a. Have been adjudicated by the juvenile court;
- b. Have received formal court ordered probation;
- c. Have been assigned to progressive sanctions level 3-5, or given determinate sentence probation (Section 341.37); and
- d. Reside in a secure or non-secure residential placement ordered by the juvenile court.

In 1997, the 75th Legislature directed the Health and Human Services Commission (HHSC) to establish rules requiring substitute care providers to implement result-oriented standards which a provider of substitute care services for children placed in residential care by the state must achieve. These measurable outcome standards will enhance accountability by clarifying expectations and will provide the placing agency quantifiable information regarding the substitute care providers' service delivery and be able to determine whether children placed with a particular provider are progressing toward achievement of identified goals. This information is useful in identifying providers who are improving their clients' well being, resulting in improvement of the quality of services to children in substitute care.

Texas Government Code Section 531.047 is the statute that requires the Texas Health and Human Services Commission to promulgate rules for substitute care providers. The actual outcome standards promulgated by the Texas Health and Human Services Commission are found in Title 1 Texas Administrative Code Section 351.13. The case plan shall contain specific goals that address the nine domain areas as specified in the substitute care provider standards: medical, safety and security, recreational, educational, mental/behavioral health, relationship, socialization, permanence, and parent/child participation.

A department shall use the Commission's case plan review format used by the Federal Program Division identified in the Sample Form section and located on the Commission's website at [www.tjpc.state.tx.us](http://www.tjpc.state.tx.us). The form is called the Review of Child/Family Case Plan. The review must be developed and completed jointly by the

juvenile probation officer and the substitute care provider on a juvenile placed in a secure or non-secure residential placement by order of the juvenile court.

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

**Timing of the Case Plan Review**

The case plan review shall be completed, updated, signed and dated by the juvenile, juvenile's parent, substitute care provider and the supervising juvenile probation officer at least every 90-calendar-days from the initial placement date. The 90-calendar-day count begins the day after admission into placement. For example, if the juvenile was placed on 10/1/2003, the case plan review must be completed no later than 12/30/2003. Subsequent case plan reviews shall be conducted every 90 calendar days thereafter.

**Parent/Provider Participation**

The juvenile probation officer and substitute care provider shall complete the case plan review for the juvenile and allow the juvenile and the parent to give input. Documentation must reflect that parent and juvenile participation occurred prior to completion of the case plan review. If the date of the parent's and juvenile's signature is after the date of the juvenile probation officer's signature, it suggests that the juvenile probation officer completed the case plan review without the parent's or juvenile's input and presented it to them after completion. If the parent or juvenile's signature is dated on a date later than the juvenile probation officer's signature, that file will be out of compliance. It is essential that the juvenile probation officer be the last person to sign and date the case plan review in order to be in compliance with this standard.

The supervising juvenile probation officer shall make a diligent effort in contacting and obtaining the parent's signature. Compliance will be verified by written documentation of the efforts made and by chronological entries of all phone calls, home/work visits or returned receipt of certified letters. If a parent explicitly refuses to participate or sign the case plan review and the supervising juvenile probation officer cannot locate the parent, the juvenile probation officer shall document this in writing on the juvenile's case plan review. If a parent is in prison or otherwise and unable to participate, the person who is legally responsible for the care and custody of the juvenile shall participate and sign the case plan review.

It is an accepted practice to fax the case plan review to obtain all the required participant's signatures. The case plan review shall be retained in the juvenile's case file and copies shall be provided to all required parties.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine whether the case plan review was completed in a timely manner and in accordance with the requirements of this section. The reviewer will:

- a. Determine the initial date of placement and the date the case plan review was conducted;
- b. Determine whether the case plan review document contains:
  - i. The juvenile's progress towards each identified goal as measured by the six point scale;
  - ii. The outcome of the substitute care provider's service delivery based on whether the child is progressing in fifty percent or more of identified goals; and
  - iii. Signatures of the juvenile, parent, substitute care provider and the supervising juvenile probation officer.

**Verification Documents:**

- 1. Juvenile case file:
  - a. Initial case plan
  - b. Case plan review

**METHODOLOGY**

**Compliance Methodology:**

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation and who did not receive a residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The placement date must be more than 91 calendar days old. The Research Division will specify the PID Number, the Referral Number, the Offense and the Disposition Date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 2A Juvenile Case Files  
**Point Value:** 10  
**Total Points Possible:** 20  
**Scoring Methodology:** 0 - 10  
**Level:** Level 2 - Provision of Services

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**  
 Review of Child/Family Case Plan [TJPC-FED-15-04]

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.39(b)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

1 TAC Section 351.13 - Substitute Care  
 Provider Outcome Standards

37 TAC Section 341.37 - Case Planning

37 TAC Section 341.39(a) - Residential Case  
 Plan

37 TAC Section 341.52 - Post-Adjudication  
 Individualized Treatment Plan Review

Texas Family Code Section 54.04(q) -  
 Determinate Sentence

Texas Government Code 531.047- Substitute  
 Care Provider Outcome Standards

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
 N/A

**Reviewer Preparation Checklist Required:**  
 True

**Reviewer Preparation Checklist:**  
 Obtain the listing of randomly selected juvenile  
 cases for Sample 2A from the Research  
 Division.

**INTERVIEW QUESTIONS MAY BE  
 ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

§341.40 Level of Supervision.

(a) The juvenile probation department shall adopt written criteria the department will use to determine a juvenile's level of supervision, while under field supervision.

## COMMENTARY

**Discussion and Interpretation:**

For the purposes of this standard, supervision level is defined as a systematic classification of supervision levels which outlines the required frequency of contacts and types of contact between a juvenile probation officer and a juvenile under field supervision on levels 3-5 of progressive sanctions.

In order to comply with this standard, the juvenile probation department must have developed written criteria regarding the levels of supervision that are distinguished by contact type and frequency. These supervision levels must be included in the department's policy and procedure manual. This standard does not require that levels of supervision be developed for, or extended to, those juveniles assigned to deferred prosecution supervision.

There are no standards requiring a specific number of supervision levels the department must employ. It is possible for a department to adopt one supervision level, which is applied to all juveniles in the applicable disposition range. In addition to the number of levels, the type of criteria used to determine the juvenile's assignment to a specific level and the contact schedule within each level are matters of local discretion.

Supervision levels may include all types of applicable contacts (e.g., mail, phone, office visits, field visits, school visits, etc.) maintained at varied and diverse frequencies. The only provision required under this standard is that all levels of supervision include at least one face-to-face contact every 30 calendar days between a juvenile probation officer and the juvenile, if the juvenile is on field supervision. This specific requirement is enumerated and discussed further in Section 341.40(c) of this chapter.

Juvenile courts have the authority to establish contact requirements for both the juveniles and officers under its jurisdiction. The court's authority in this area is most commonly expressed in office reporting schedules identified in a juvenile's conditions of probation. Given this authority, it is both reasonable and anticipated that the juvenile court may impose a contact schedule that is different from the department's supervision level criteria.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual for a policy detailing the level of supervision guidelines and/or criteria.

**Verification Documents:**

1. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel, and personal visual observations of program operations made by the

reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 20

**Scoring Methodology:** 0 or 10

**Level:** Level 2 - Provision of Services

## REFERENCE MATERIAL

**Recommended Best Practices:**

Modified supervision level, criteria and practices should be extended to juveniles assigned to deferred prosecution supervision and juveniles residing in residential placement.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.40(a)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.2(a) - Local Juvenile  
Probation Services Administration

37 TAC Section 341.40(c) - Level of  
Supervision

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

- Chief Administrative Officer:** False
- Professional Staff:** False
- Program/Facility Administrator:** False
- Juvenile Board Chair:** False
- Ancillary Staff:** False
- Juvenile:** False

[Empty vertical box for interview questions]

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

**TEXT OF STANDARD**

**Subchapter:** G - Case Management Standards

§341.40 Level of Supervision

(b) The level of supervision shall be included in the juvenile's written case plan, written under §341.35 of this chapter.

**COMMENTARY**

**Discussion and Interpretation:**

The written case plan shall contain the juvenile's assigned level of supervision as defined by written departmental policy and procedure. The specific level of supervision and contact schedule associated with the assigned level shall be documented in the case plan. If the juvenile court imposes a level of supervision that differs from the case plan, then it shall be documented on the initial case plan in order to be in compliance with this standard.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine if the juvenile's assigned level of supervision and contact schedule is detailed and documented in the case plan.

**Verification Documents:**

1. Juvenile case file:
  - a. Case plan

**METHODOLOGY**

**Compliance Methodology:**

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation and did not receive a residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The disposition date must be more than 61 calendar days old. The Research Division will specify the PID Number, the referral number, the offense and the disposition date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 1 Juvenile Case Files  
**Point Value:** 10  
**Total Points Possible:** 20  
**Scoring Methodology:** 0 - 10  
**Level:** Level 2 - Provision of Services

**REFERENCE MATERIAL**

**Recommended Best Practices:**

N/A

**Sample Form(s):**  
N/A

**Citation(s):**  
 Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation  
 Commission §341.40(b)

**Texas Register Publication Citation:**  
 28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**  
 37 TAC Section 341.35 - Definitions

37 TAC Section 341.38(a) - Field Supervision Case Plans

37 TAC Section 341.40(a) - Level of Supervision

**Board Opinion:**  
**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:**  
True

**Reviewer Preparation Checklist:**  
 Obtain the listing of randomly selected juvenile case files from Sample 1 from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

§341.40 Level of Supervision

(c) A minimum of one face-to-face contact per month with the juvenile is mandatory unless otherwise noted in the case plan.

## COMMENTARY

**Discussion and Interpretation:**

Juveniles assigned to court ordered probation, placed on a progressive sanction level of three (3) through five (5) and on field supervision shall have at least one face-to-face contact every 30 calendar days with a juvenile probation officer.

The supervising juvenile probation officer does not have to be the officer conducting the face-to-face contact. For example, if the supervising officer is out of the office and unable to have the contact, another juvenile probation officer may conduct the face-to-face contact with the juvenile.

Compliance with the face-to-face contact requirement shall be documented by either a signed and dated probationer report form completed by the juvenile and juvenile probation officer, probationer sign-in log or chronological entries by a juvenile probation officer documenting the contacts between the juvenile and juvenile probation officer.

If the minimum face-to-face contact requirement (i.e., 30 calendar days) cannot be fulfilled, the juvenile's case plan must reflect the specific reasons for the deviation.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a random sample of the juvenile case files to determine whether a minimum of one face-to-face contact every 30 calendar days occurred with the juvenile or whether the case plan documented a reason for a deviation from the minimum monthly (i.e., 30 calendar day) contact. The reviewer will:
  - a. Review the chronological entries, probationer report form or probationer sign-in log for the three month period immediately preceding the monitoring visit to determine the frequency of contact with the juvenile.

**Verification Documents:**

1. Juvenile case file:
  - a. Case plan
  - b. Chronological entries
  - c. Juvenile probationer report form
  - d. Probationer sign-in log

## METHODOLOGY

**Compliance Methodology:**

Random Sample. The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who were disposed to formal court-ordered probation and did not receive a residential placement disposition on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The disposition date must be more than 61 calendar days old. The Research Division will specify the PID Number, the referral number, the offense

and the disposition date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %

**Sample:** 1 Juvenile Case Files

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 - 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

Juvenile case files should contain detailed chronological entries of all supervision activities by any probation officer.

Although Commission standards do not impose any minimal contact requirements with juveniles who are in residential placement, it is recommended that the supervising juvenile probation officer visit the facility at least once every 90 calendar days.

Although there is no standard dictating the level of supervision for deferred prosecution cases, it is recommended that there be, at a minimum, one face-to-face contact every 30 calendar days with the juvenile.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.40(c)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.38(a) - Field Supervision  
Case Plan

37 TAC Section 341.40(b) - Level of  
Supervision

Board Opinion:  
RFI Opinion:

#### EFFECTIVE DATES

Standard's Effective Date: 9/1/2003  
CRM Last Modified On: 9/1/2003

#### PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:  
N/A

Reviewer Preparation Checklist Required: True

**Reviewer Preparation Checklist:**  
Obtain the listing of the randomly selected juvenile cases for Sample 1 from the Research Division.

#### INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** G - Case Management Standards

## §341.41 Exit Plan.

- (a) A written exit plan shall be developed prior to the juvenile's scheduled release from probation.
- (b) An exit plan is to be provided at a date no later than the date the juvenile successfully completes probation, unless the juvenile was committed to the Texas Youth Commission.
- (c) The written exit plan shall be developed in consultation with the juvenile, the juvenile's parent, guardian or custodian, and the supervising juvenile probation officer.
- (d) The exit plan shall be signed and dated by the juvenile, the juvenile's parent, guardian or custodian and the supervising juvenile probation officer.
- (e) The original exit plan shall be placed in the juvenile's case file.
- (f) Copies of the exit plan shall be provided to the juvenile and the juvenile's parent, guardian, or custodian.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires the development of an exit plan for juvenile probationers that establishes the minimum requirements for those juveniles who:

- a. Have been adjudicated by the juvenile court;
- b. Have been assigned a progressive sanctions level of 3-5 or have been given determinate sentence probation; and
- c. Have completed the term of probation ordered by the court.

An exit plan is defined in Section 341.35 of this chapter as a written document that identifies the juvenile's need for post-supervision reintegration and specifies the community resources available to meet the needs with a goal of facilitating a continuum of community services to the juvenile and the juvenile's family after probation supervision ends.

An exit plan is not required to be conducted if one of the following circumstances can be documented:

- a. The juvenile was committed to the Texas Youth Commission (TYC) while on court-ordered probation;
- b. The juvenile:
  - i. Turned 17 years of age while on probation;
  - ii. Was arrested for a criminal offense; and
  - iii. Probation supervision was terminated early; or
- c. The juvenile, while on juvenile probation, was certified to stand trial as an adult and the probation order was terminated.

For purposes of this discussion, a parent, guardian or custodian will be referred to as the "parent" of the juvenile.

The exit plan shall be developed and completed prior to the expiration date of the probation order. The juvenile probation officer shall allow the juvenile and the parent to participate in the development of the exit plan. The exit plan shall be developed, completed, signed and dated by the juvenile, juvenile's parent, and supervising juvenile probation officer before the probation order terminates. A sentence acknowledging that the juvenile and parent had input and received a copy of the exit plan shall be included on the exit plan. The original exit plan shall be retained in the juvenile's file.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review a random sample of juvenile case files to determine if the exit plan was completed according to the required elements of this standard. The reviewer will:
  - a. Review the court order, original or subsequent, to determine the probation termination date;
  - b. Review the completed exit plan to determine whether the date of the exit plan was developed and signed on or prior to the probation termination date;
  - c. Review the exit plan for all required signatures of the juvenile, the juvenile's parent and supervising juvenile probation officer;
  - d. Review the exit plan for a statement reflecting the juvenile and parent acknowledgement of participation and receipt of copies; and
  - e. If applicable, review the file for any documentation of an early termination of probation due to the three situations enumerated in the discussion.

**Verification Documents:**

1. Juvenile case file:
  - a. Exit plan
  - b. Juvenile court order

## METHODOLOGY

**Compliance Methodology:**

**Random Sample.** The TJPC Research Division will generate a random sample of juvenile case files from the pool of youth who exited formal court-ordered probation on or after 9/1/2003 or in the 12 month period immediately preceding the monitoring visit, whichever timeframe is less. The Research Division will specify the PID Number, the

Referral Number and the Referral Date. Each file in the sample will be reviewed for compliance with the required elements of the standard. Each file will either pass or fail the particular standard. The compliance grade for the standard will be a percentage of the total possible points based upon the number of files that are in compliance with the standard. For example, if the reviewer pulls 30 cases and 24 of the cases comply with the standard, the compliance grade will be 80 percent of the total points available for the particular standard. Example: For a Level 1 standard, 80 percent would equate to 8 of the possible 10 points; for a Level 2 standard, this would be 16 of the possible 20 points; and for a Level 3 standard, this would be 24 of the possible 30 points.

**Monitoring Methodology:** Sample %  
**Sample:** 3 Juvenile Case File  
**Point Value:** 10  
**Total Points Possible:** 20  
**Scoring Methodology:** 0 - 10  
**Level:** Level 2 - Provision of Services

### REFERENCE MATERIAL

#### Recommended Best Practices:

Many jurisdictions have established formal procedures to mark the termination of a case, usually including a final appearance of the juvenile before the court or an officer of the court. The termination of a case should be viewed as a significant event for the juvenile and his or her family. Other parties, namely victims, may also be notified of, or asked to participate in termination proceedings. Victim participation helps ensure that the victim knows that the juvenile was held accountable for his or her actions.

Additionally, case termination is an ideal stage for the probation department to attempt to assess clients' perceptions of the services they received while under supervision. Departments may use an exit interview to survey clients about legal proceedings, probation services and requirements in an effort to better understand client needs and obtain valuable feedback on program effectiveness.

**Sample Form(s):**  
N/A

**Citation(s):**  
 Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.41

**Texas Register Publication Citation:**  
 28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**  
 37 TAC 341.35(4) - Exit Plan Definition

**Board Opinion:**  
**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003  
**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** False

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:**  
True

**Reviewer Preparation Checklist:**  
 Obtain the listing of randomly selected juvenile cases for Sample 1 from the Research Division.

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter: J - Restraints**

§341.65 Definitions. The words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

(1) Approved Physical Restraint Technique (physical restraint)--A professionally trained 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. The approved physical restraint technique shall be approved for use by the Commission and adopted by the juvenile board.

(2) Approved Mechanical Restraint Devices ("mechanical restraint")--A professionally manufactured mechanical device to aid in the restriction of a person's bodily movement. The approved mechanical restraint shall be approved by the Commission and adopted by the juvenile board. The following are Commission approved mechanical restraint devices:

- (A) Ankle Cuffs--Metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs;
- (B) Anklets--Cloth or leather band designed to be fastened around the ankle or leg;
- (C) Handcuffs--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;
- (D) Plastic Cuffs--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms or legs;
- (E) Waist Band--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and
- (F) Wristlets--A cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.
- (3) Restraints--Physical or mechanical restraint.

## COMMENTARY

**Discussion and Interpretation:**

This section contains definitions of terms that are used throughout this chapter. These definitions will not be monitored independently but will be monitored within the context of the standard wherein the definition appears.

**Approved Physical Restraint Technique**

Currently, the Commission has formally approved four physical restraint techniques which are:

**Handle With Care (HWC)**

Contact: Bruce Chapman, President  
Phone: (845) 255-4031  
Internet: www.HandleWithCare.com  
E-mail: HWCBruce@aol.com

**Crisis Prevention Institute, Inc. (CPI)**

Contact: Terri Howard, Director of On-Site Training  
Phone: (800) 558-8976  
Internet: www.crisisprevention.com

**The Mandt System (MANDT)**

Contact: David Mandt & Associates  
Phone: (972) 495-0755  
Internet: www.mandtsystem.com

The Prevention and Management of Aggressive Behavior (PMAB)\*  
Contact: Duane Piety, Training Specialist, TDMHMR  
Phone: (512) 206-4509

Formal Commission approval of a physical restraint technique must come in the form of a written authorization issued by the Executive Director of the Commission to be effective and compliant with this standard. Additionally, the Commission's approval will be withdrawn if the previously approved physical restraint technique has been altered and/or modified from its original content and design without prior Commission notification and approval.

The Commission is in the process of implementing a modified and updated approval process for physical restraint techniques which will incorporate the recent changes to Commission standards. All currently approved physical restraint techniques will be re-evaluated using the new procedure. Upon completion of the re-evaluation process, the Commission will formally notify all departments if any of the currently approved techniques are not reapproved and if additional techniques are approved. Until departments are notified differently by the Commission, the four currently approved techniques will continue to be authorized. Once the new approval process is implemented, the Commission will provide all departments with detailed information about the procedures applicable to submitting new physical restraint techniques for approval.

\*It should be noted that future Commission approval of PMAB is in question due to the fact that the originating entity, the Texas Department of Mental Health and Mental Retardation, may not authorize its use in probation departments and facilities.

**Mechanical Restraint Devices**

The list of the six (6) types of mechanical restraint devices identified in this subsection is finite. Mechanical restraint devices not listed in Subsection 2(A-F), are strictly prohibited from use by a juvenile probation department or any program operated by or under the authority of the juvenile board. Body wraps, straightjackets, restraint chairs, capture or containment shields, batons, etc., are not approved and their use is strictly prohibited. A restraint chair is an approved mechanical restraint device for use only in secure pre-adjudication detention, short-term detention (holdover) and post-adjudication correctional facilities. Its use is governed by Section 343.66. If a juvenile probation department is concerned about the applicability and/or appropriateness of a mechanical restraint device, the department is encouraged to contact the Commission for consultation.

Plastic cuffs are commonly referred to as flexible cuffs or flex-cuffs (Flex-Cuff being an actual product brand name) and they resemble ratcheting tie wraps which are designed and used for many non-restraint type functions. Plastic cuffs (flexible cuffs) are typically manufactured out of hard flexible nylon (or other plastic type synthetic materials) and released by cutting, clipping or using a specialized tool. Most flexible cuffs are intended to be disposed of after one use.

As with all approved restraint devices, they must be designed specifically for their intended use. Therefore, jurisdictions shall not use plastic or flexible ties unless they were specifically manufactured for human restraint. As per Section 341.70 (2)(G) plastic cuffs shall only be used in emergency situations (e.g., riot, mass restraints, etc.). Plastic cuffs shall be limited to short-term use and only until the youth can be moved to a secure place or until other mechanical restraint devices are substituted for the plastic cuffs. Officers applying plastic cuffs should have the tool designed for removing the cuffs in their possession at all times during the use of plastic cuffs.

**Chemical Restraints**

Chemical agents or restraints (e.g., pepper spray, tear gas, etc.) are strictly prohibited from use by a juvenile probation department or any program operated by or under the authority of the juvenile board. Chemical agents/restraints used for protection against animal attacks are not addressed by Commission standards and provisions relating to their use would fall under the authority of the juvenile board and the department's chief administrative officer. Chemical restraints are an approved restraint device for use in secure pre-adjudication detention, short-term detention (holdover) and post-adjudication correctional facilities. Their use is governed by Section 343.61.

**Protective Devices**

There are several professionally manufactured devices designed to protect juveniles and staff from injury (or contamination) that the Commission does not consider to be or define as restraint devices. The Commission considers these to be protective devices and they can include, but are not limited to, protective mittens, helmets, spit guards, etc. What distinguishes these devices from mechanical restraint devices is the fact that the subject's overall physical movement is not restricted or limited by their use. Protective devices should be designed and professionally manufactured specifically for their intended use. Users of spit guards, helmets or any protective device that is affixed to a juvenile's head or face should be aware that when these protective devices are used in conjunction with a physical or mechanical restraint that the protective device may create a prohibited restraint in that the protective device may potentially obstruct or impair a juvenile's breathing, restrict a juvenile's ability to communicate and/or restrict a view of the juvenile's face. Each of these situations is prohibited in Section 341.67 of this chapter.

**Restraints Conducted by Law Enforcement Officers**

The restraint practices of law enforcement agencies are not governed by Commission standards even though the restraint (all types) may be administered within the physical confines of any program operated by or under the authority of the juvenile board. If acting in their official and legal capacity, (typically the exercise of their legal custody and arrest duties) law enforcement agencies are not restricted by Commission standards regarding restraints (all types). However, law enforcement's use of restraints must be exercised in the course of their official duties and must be terminated at the completion of said duties.

**Reviewer Guidelines:**

N/A

**Verification Documents:**

N/A

**METHODOLOGY**

**Compliance Methodology:**

N/A

**Monitoring Methodology:** N/A

**Sample:** N/A

**Point Value:** 0

**Total Points Possible:** 0

**Scoring Methodology:** N/A

**Level:** Level 0 - Not Monitorable

**REFERENCE MATERIAL**

**Recommended Best Practices:**

In addition to ensuring that its restraint devices match the Commission's list of approved devices, a juvenile probation department should also ensure that the mechanical restraint devices it employs are appropriate for the population it serves. With a service population as young as ten (10) years old, the range of body sizes and types that may require restraint in a juvenile justice setting is significant. Most restraint manufacturers design their devices for an adult population and consequently their devices may be both inappropriate and ineffective for use on smaller persons.

Improperly sized restraint devices may lead or contribute to juvenile and staff injuries and/or escapes. In the case of injuries resulting from a restraint that is too loose, there may be a non-compliance with Section 341.70(2)(D) which states that a mechanical restraint device shall not be secured so loosely as to cause chafing of the skin.

Additionally, improperly sized restraints may lead staff to consider modifying or altering a device, which then might contribute to weakening the device's structural integrity. Modification of a restraint device would also constitute an area of non-compliance under Section 341.70(2)(A).

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.65

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.67 - Restraint  
Prohibitions

37 TAC Section 341.70(2) - Mechanical  
Restraints

37 TAC Section 343.60(6) - Protective  
Devices

37 TAC Section 343.61 - Restraint  
Requirements

37 TAC Section 343.66 - Restraint Chair

Board Opinion:  
RFI Opinion:

**EFFECTIVE DATES**

Standard's Effective Date: 9/1/2003  
CRM Last Modified On: 9/1/2003

**PRE-MONITORING PREPARATION**

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:  
N/A

Reviewer Preparation Checklist Required: False

Reviewer Preparation Checklist:  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

Chief Administrative Officer: False  
Professional Staff: False  
Program/Facility Administrator: False  
Juvenile Board Chair: False  
Ancillary Staff: False  
Juvenile: False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation

Compliance Status

Primary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter: J - Restraints**

## §341.66 Requirements.

The use of restraints shall be governed by the following criteria:

- (1) restraints shall only be used by juvenile probation officers;
- (2) prior to participating in any restraint juvenile probation officers shall be:
  - (A) certified in the use of the approved physical restraint technique; and
  - (B) trained in the use of all approved mechanical restraint devices;
- (3) restraints shall only be used in instances of threat of imminent self-injury, injury to others, or serious property damage;
- (4) restraints shall only be used as a last resort;
- (5) only the amount force and type of restraint necessary to control the situation shall be used;
- (6) restraints shall be implemented in such a way as to protect the health and safety of the juvenile and others; and
- (7) restraints shall be terminated as soon as the juvenile's behavior indicates that the threat of imminent self-injury, injury to others, or serious property damage has subsided.

## COMMENTARY

**Discussion and Interpretation:**

Beginning 9/1/2003, the criteria and specific parameters regarding the use of physical and mechanical restraints contained in Sections 341.65 through 341.71 apply to all juvenile justice programs as defined in Section 341.1 and to all situations where a juvenile probation officer may be called upon to perform a physical restraint or use a mechanical restraint device in or outside of a juvenile justice program. In other words, these standards apply to any situation in which juvenile probation officers use physical or mechanical restraints in the exercise of their official duties. Because these standards apply to juvenile justice programs, those programs shall follow the requirements of these standards related to when a restraint may legally be used and by whom a restraint may legally be applied. A juvenile must be under the jurisdiction of the juvenile court for a physical or mechanical restraint to be applied by a juvenile probation officer.

This section authorizes only probation officers to apply physical or mechanical restraints in a juvenile justice program. In other words, outside of a secure pre-adjudication detention, short-term detention (holdover) and post-adjudication correctional facility settings, only juvenile probation officers are authorized by Commission standards to utilize physical and mechanical restraints. Because some juvenile justice programs were established prior to the effective date of this standard and currently allow non-probation officers to administer restraints (i.e., some non-secure residential facilities and day boot camp programs authorize non-probation officers to apply restraints), a significant fiscal note would result if the Commission applied Subsections 341.66(1) and (2) retroactively. Therefore, Subsections 341.66(1) and (2) will have a prospective application. In other words, Subsections 341.66(1) and (2) apply to all juvenile justice programs including non-secure residential facilities operated by or under the authority of the juvenile board and all other type non-residential juvenile justice programs (e.g., day programs, community service restitution programs, etc.) that became operational on or after 9/1/2003. For those facilities and programs, mechanical and physical restraints may only be applied by juvenile probation officers according to the requirements of this section. This would include day boot camps and other day reporting programs in addition to non-secure residential placement facilities not registered with the Commission or licensed

by any other state agency (e.g., Texas Department of Protective and Regulatory Services, etc.). Those programs that were not in operation prior to 9/1/2003 will violate Subsections 341.66(1) and (2) if non-probation officers apply restraints in the program. It is important to note that all the remaining Subsections of 341.66 do apply to all juvenile justice programs beginning 9/1/2003. Juvenile justice alternative education programs do not fall under this standard because they are covered by their own specific standard contained in Title 37 Texas Administrative Code Chapter 348.

This standard requires the juvenile probation department to have written policies and procedure that address the use of physical and mechanical restraints by juvenile probation officers. The policies and procedures must address all elements of this standard.

Pursuant to the Texas Family Code Section 52.01(a)(4), a juvenile probation officer has the authority to take a juvenile into custody for a violation of court ordered probation. The standard does not prohibit the use of mechanical restraints when taking a juvenile into custody or during a routine vehicular transport. In all other circumstances, mechanical and physical restraints shall only be used in instances of threat of imminent self injury, imminent injury to others or imminent serious property damage.

The intent of this standard is to assure that only juvenile probation officers are authorized to restrain juveniles. Ancillary and/or support staff (e.g., probation officer aides, volunteers, interns, counselors, secretaries, etc.) are not authorized to apply or assist in the application of physical or mechanical restraints.

This standard applies to any and all physical locations in which the juvenile is restrained (e.g., probation office, courtroom, community service restitution site, school settings, juvenile's home, etc.). Restraints applied within a secure pre-adjudication detention, short-term detention (holdover) and post-adjudication correctional facilities are governed by the standards set forth in Title 37 Texas Administrative Code Chapter 343.60 et seq.

All juvenile probation officers that perform physical restraints shall be certified in an approved physical restraint technique. Prior to use, a department must ensure that the physical restraint technique approved by the juvenile board has previously received formal written approval from the Commission.

Probation officers that participate in the application of a mechanical restraint shall have received training in the use of mechanical restraints prior to the use of any mechanical restraints. For example, if during the application of a mechanical restraint the situation requires a physical restraint technique be utilized, the juvenile probation officer will be in non-compliance if the officer is not certified in the use of the restraint technique.

Standards authorize physical and/or mechanical restraints only in instances where restraint is needed to prevent a juvenile from physically injuring themselves or others (e.g., staff, other juveniles, visitors, etc.) and the prevention of serious property damage. The standard requires that the threat must be imminent in order to justify the use of restraints. Imminent threats are almost always determined by the situation and circumstances at hand, but they can frequently be distinguished from non-imminent threats by observing and assessing a juvenile's physical movements, verbalizations (content and tone), access to or possession of a weapon, and their physical position in proximity to the object of their threat (person or property).

When determining justifiable restraints for property threats or acts, the Commission has determined that serious property damage will be any damage equal to or greater than \$50.00. For example, a juvenile who is threatening to, or in the act of tearing up a notebook would not constitute a justifiable restraint because the behavior, though imminent, does not equate to serious property destruction because of the low monetary value of the notebook. Therefore, the staff response should be less restrictive than a physical or mechanical restraint.

Mechanical restraints used during routine vehicular transportation are pre-emptive or precautionary by design, and they do not require that the juvenile's flight or escape threat be imminent. For the protection of the staff, juveniles and public, the mere possibility that the juvenile may become physically threatening, destructive, or escape during vehicular transport is adequate justification for the use of mechanical restraints. Officers shall apply the least restrictive restraint (i.e., physical or mechanical) to control the situation and/or effectuate the custody of the juvenile.

With the exception of taking a juvenile into custody or the routine transportation of a juvenile, restraints shall be used as a last resort. However, there may be occasions when restraints are administered in lieu of de-escalation techniques due to the volatility of the situation.

Restraints shall be terminated as soon as the imminent threat of self injury, imminent injury to others or imminent serious property damage has subsided. During a custody or transport event, the probation officer shall determine the appropriate time to terminate the use of the mechanical restraints.

#### Reviewer Guidelines:

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify it contains a policy on the use of physical and mechanical restraints as defined in this standard.

#### Verification Documents:

1. Policy and procedure manual

## METHODOLOGY

#### Compliance Methodology:

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

#### Recommended Best Practices:

Probation officers that participate in the application of mechanical restraint shall be currently certified in the approved physical restraint technique (i.e., Handle with Care, CPI, Mandt or PMAB).

To help ensure the safety of juveniles and to minimize potential legal liability, all non-secure residential placement facilities operated by or under the authority of the juvenile board and any juvenile justice programs (e.g., day boot camps, etc.) that were in operation prior to 9/1/2003 should ensure that any and all staff that are authorized by local policy to administer restraints meet the requirements regarding the use of physical and mechanical restraints as detailed in Commission standards found in Subchapter J of Chapter 341.

#### Sample Form(s):

N/A

#### Citation(s):

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.66  
Texas Family Code 52.01 (a)(4)

#### Texas Register Publication Citation:

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

#### Cross Reference(s):

37 TAC Section 343.60 et. seq. - Restraints

37 TAC Section 343.65-341.70 - Restraints

Texas Family Code Section 52.01(a)(4)

#### Board Opinion:

RFI Opinion:

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

- Chief Administrative Officer:** False
- Professional Staff:** False
- Program/Facility Administrator:** False
- Juvenile Board Chair:** False
- Ancillary Staff:** False
- Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter: J - Restraints**

## §341.67 Prohibitions.

Restraints that employ a technique listed below are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) restraints that deprive the juvenile of basic human necessities including restroom privileges, water, food and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile face down with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile face down with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile;
- (7) restraints that restrict the juvenile's ability to communicate;
- (8) restraints that obstruct the view of the juvenile's face;
- (9) any technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

## COMMENTARY

**Discussion and Interpretation:**

The Commission's restraint prohibition standard was written to safeguard and protect the health and safety of all juveniles under the jurisdiction of the juvenile court. This standard requires that a juvenile probation department have written policies and procedures that address the use of physical and mechanical restraints. The policies and procedures shall specifically address the above-mentioned prohibitions relating to the use of restraints. This standard applies to any and all physical and mechanical restraints used by a department's juvenile probation officers.

Physical and mechanical restraints shall not be used for punishment, discipline, retaliation, harassment, compliance or intimidation. A juvenile probation officer shall make the necessary and reasonable adjustments to ensure the restrained juvenile's food, water, restroom and clothing needs are accommodated.

Any type of physical or mechanical restraint that is intended or designed to inflict pain is prohibited. Physical restraint practices that incorporate defensive tactics that are designed and intended to inflict pain are prohibited under this standard. These tactics include striking blows, kicks, eye gouging, etc. Mechanical restraint devices that are used in a manner to intentionally inflict pain (i.e., tightened or secured, etc.) are also prohibited.

When the application of a physical or mechanical restraint requires a juvenile to be placed in a prone position, (i.e., face down against the floor or face against a supporting surface or object), sustained or excessive pressure on the juvenile's back or chest cavity is prohibited. This prohibition also extends to a standing restraint in which the restrained juvenile is pinned against a wall or other vertical structure. Sustained or excessive pressure on the juvenile's back or chest cavity area may cause the torso to compress and prevent the flow of air causing asphyxiation.

Departments shall not authorize or use physical or mechanical restraints that require a juvenile to be face down with substantial pressure on the juvenile's neck or head.

Substantial pressure on the neck and head can contribute to the serious injury, paralysis or death of the restrained juvenile.

Any physical or mechanical restraints that obstruct the restrained juvenile's airway or impair the juvenile's breathing are prohibited.

Restraints shall not impair the restrained juvenile's ability to communicate. If a restrained juvenile's ability to communicate is interrupted during the application of a restraint, the officer(s) applying the restraint may not be able to be made aware of potential medical dangers (e.g., asphyxiation, circulation problems, pain or other physical injuries). The restrained juvenile's ability to verbally communicate must be maintained at all times during the restraint.

Obstructing the view of a restrained juvenile's face hinders the restraining officers' ability to ensure against other prohibitions listed in this section, specifically those relating to the obstruction of a juvenile's breathing and the restriction of the juvenile's ability to communicate. As noted in the discussion and interpretation of Section 341.65 the Commission does not define professionally manufactured spit guards (categorized as a protective device) as restraint devices and therefore places no prohibitions on their use. Transparent spit guards that do not obstruct the juvenile's face may be used as protective devices during a restraint. However, spit guards, such as surgical masks, which partially obstruct the juvenile's face, are prohibited.

Juvenile's under restraint shall be monitored for signs of physical distress. Signs of physical distress may include, but are not limited to, clammy skin, discoloration of the skin, bleeding, breathing irregularities, etc.

Percussive and electrical shocking devices are prohibited. The Commission categorizes percussive devices into two distinct types of devices, both of which are prohibited. The first type of percussive device is a device designed and used for physically striking a person. Examples of these types of percussive devices are commonly referred to as batons, billy clubs, blackjacks, nightsticks, tactical batons, riot batons and expandable batons, etc. The second type is a device that incorporates non-lethal munitions to discharge projectiles (e.g., bean bags, rubber balls, sponge rounds, etc.) and/or distraction devices (e.g., devices emitting flashes, smoke, loud bangs, concussions, etc.). These types of devices may be hand thrown or launched via a specialized gun.

The other prohibited type of device included in this section is an electrical shocking device. Common electrical shocking devices would include those that are held on a juvenile's skin (i.e., stun guns), those that use darts fired into a juvenile (i.e., Tasers), and devices that are attached to a juvenile and activated by remote control.

When a juvenile probation officer observes a prohibited restraint, that officer has the professional obligation to report the incident to the Abuse, Exploitation and Neglect Unit of the Commission in accordance with the Family Code Chapter 261 and Texas Administrative Code Section 341.15(b)(1).

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify that the manual contains a policy that address the 10 prohibited restraints as defined in this standard. Simply cross-referencing Commission standards (i.e., numeric citation) is not sufficient and will be considered a non-compliance.

**Verification Documents:**

1. Policy and procedure manual

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the monitor during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

If a department authorizes probation officers to utilize restraints, it is recommended that officers receive regular formalized training on the prohibitions of restraints. The Commission recommends that this training occur on at least an annual basis.

**Special Precautions:**

Juvenile probation departments should develop specific policies, procedures and practices that address physical and mechanical restraints applied on juveniles with chronic or acute medical conditions and physical disabilities so as to avoid unnecessary risk of injury.

Restraints applied on a juvenile with a pre-existing medical condition (e.g., asthma, tuberculosis, pneumonia, etc.) may exacerbate symptoms or side effects of the juvenile's medical condition and increase the possibility of inflicting pain, or causing injury or death. Restraints applied on a juvenile with a temporary or permanent physical disability (e.g., broken or prosthetic limb, etc.) may also increase the possibility of inflicting pain or causing injury.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code

Part II Texas Juvenile Probation Commission

Chapter 341 Texas Juvenile Probation Commission §341.67

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action

28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.15(b)(1) - Abuse, Exploitation and Neglect

37 TAC Section 341.65 - Definitions

Texas Family Code Chapter 261

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False



## TEXT OF STANDARD

**Subchapter: J - Restraints**

## §341.68 Documentation.

Documentation. Except as provided by §341.71(a) of this chapter, all restraints shall be fully documented and maintained. Written documentation regarding the use of restraints shall require at a minimum:

- (1) name of juvenile;
- (2) staff member(s) name and title(s) who administered the restraint;
- (3) date of the restraint;
- (4) duration of the restraint including notation of the time the restraint began and ended;
- (5) location of the restraint;
- (6) description of preceding activities;
- (7) behavior which prompted the restraint;
- (8) type of restraint applied;
- (9) efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (10) any injury that occurred during the restraint.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires juvenile probation departments to have written policy and procedure which specifically addresses items 1-10 above regarding the documentation of restraint incidents (i.e., mechanical and physical) that occur in any juvenile justice program.

A probation officer's use of physical and mechanical restraints shall be documented. Restraint incident reports must contain the 10 criteria listed in this standard. The required criteria must be included in a single document and shall be maintained by the probation department. Departments shall maintain restraint incident reports for at least three years from the date of the incident or according to the department or county records retention policy, whichever is longer. The report shall contain the name(s) and official title(s) of any and all staff members who witnessed or were physically involved with the application of a physical or mechanical restraint. Reports from each officer involved in the restraint shall also be included in this document and shall include items 1-10 as well. A juvenile probation department's restraint incident report (or the equivalent) should not be confused with the TJPC Incident Report Form. When a physical or mechanical restraint is applied, written documentation shall note the time the restraint began and ended.

A juvenile probation department's restraint incident report shall contain the identification of the specific location where the physical or mechanical restraint took place. This shall include the identification of the specific address and any other location descriptions available (e.g., courtroom, office, classroom, room, etc.). Restraint incident reports documenting physical and mechanical restraints that occur during vehicular transport that are not routine by definition (e.g., juveniles exhibiting resistance, physically combative or destructive, actively attempting escape, etc.) shall include the identification of the owner of the vehicle (if applicable) and the vehicle's general location during the restraint (e.g., facility sally port, parking lot, road or highway, etc.).

The juvenile's activities immediately preceding the restraint shall be documented (e.g., awaiting court hearing, visiting with legal counsel, participating in a group activity, etc.).

Justification of the restraint shall be documented in detail with specifics provided as to what factor(s) led to the probation officer's decision to apply a physical or mechanical restraint (e.g., juvenile became verbally threatening and abruptly moved toward staff, juvenile attempted to grab a knife off of the kitchen counter, etc.). The reporting probation officer must describe the elements of the incident and/or the elements of the juvenile's behavior that led the officer to believe imminent threat of self-injury (to the juvenile), imminent injury to others, or imminent serious property damage existed as required by 341.66(3).

A juvenile probation department's restraint incident report shall contain the identification of the type of restraint applied during the course of the incident. The identification shall include the general type of the restraint (i.e., physical and/or mechanical), as well as all specific physical restraint holds (e.g., basket hold, etc.) and/or restraint devices (e.g., handcuffs, etc.). If multiple restraint types, holds or devices were used then all shall be identified within the restraint incident report.

All efforts the probation officer(s) made to de-escalate the situation prior to the use of restraint(s), shall be documented. De-escalation is any attempt a probation officer takes to prevent or limit the use of physical or mechanical restraints (e.g., a probation officer's verbal requests or demands, presentation of additional staff within the physical proximity of the juvenile, etc.).

All physical injuries sustained by the juvenile, whether observed or claimed, regardless of the severity of the injury, during a physical or mechanical restraint shall be fully documented in the restraint incident report.

Mechanical restraints used during the course of routine vehicular transport (Section 341.71) or the routine taking of a juvenile into custody are not required to be documented under the provisions set forth in this standard. A mechanical restraint shall not be considered routine if the juvenile is physically combative or resistant, is actively committing serious property damage or if the juvenile is actively attempting to escape or flee. A mechanical restraint shall not be considered routine if a mechanical restraint is also accompanied by the application of a physical restraint. If a juvenile receives an injury during a routine transport or custody process, the restraint shall no longer be considered routine and shall require the full documentation as set forth in this standard.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual regarding the documentation of physical and mechanical restraints to verify whether all of the elements of this standard are present.

**Verification Documents:**

1. Policy and procedure manual

**METHODOLOGY**

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

**REFERENCE MATERIAL**

**Recommended Best Practices:**

The department should maintain a separate master file of all incident reports involving restraints. A copy of the documentation should also be in the juvenile's file.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
 Part II Texas Juvenile Probation Commission  
 Chapter 341 Texas Juvenile Probation Commission §341.68

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
 28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.66(3) - Restraint Requirements

37 TAC Section 341.71 - Transporting

**Board Opinion:**

**RFI Opinion:**

**EFFECTIVE DATES**

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

**PRE-MONITORING PREPARATION**

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
 N/A

**Reviewer Preparation Checklist Required:**  
 False

**Reviewer Preparation Checklist:**  
 N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False  
**Professional Staff:** False  
**Program/Facility Administrator:** False  
**Juvenile Board Chair:** False  
**Ancillary Staff:** False  
**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** J - Restraints

§341.69 Physical Restraint.

In addition to the requirements found in sections §341.66, §341.67, and §341.68 of this subchapter, juvenile probation officers shall be re-certified in the approved physical restraint technique at least every two years.

## COMMENTARY

**Discussion and Interpretation:**

This standard applies to all juvenile probation officers who may apply a physical restraint in the course of their official duties and/or in any juvenile justice program.

If a juvenile probation department authorizes probation officers to perform physical restraints, the juvenile probation officers shall receive re-certification in the approved physical restraint technique at least every two years from their initial date of certification or the date of their last re-certification. If a department elects to utilize a physical restraint technique that requires re-certification on an annual basis, the department will be monitored based on that provision even though the standard allows for a two year re-certification. In other words, the Commission will hold the department to the higher of the two requirements.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify the existence of a policy requiring re-certification in the approved physical restraint technique at least every two years or more frequently if required by the physical restraint technique.

**Verification Documents:**

1. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

N/A

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.69

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.66 - Restraint  
Requirements

37 TAC Section 341.67 - Restraint  
Prohibitions

37 TAC Section 341.68 - Documentation of  
Restraints

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:**  
False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** J - Restraints

## §341.70 Mechanical Restraint .

In addition to the requirements found in sections §341.66, §341.67, and §341.68 of this subchapter, the use of mechanical restraint, shall be governed by the following criteria:

- (1) Requirements.
- (A) mechanical restraints shall only be used in a manner consistent with their intended use; and
- (B) there shall be provisions for the inspection and maintenance of mechanical restraint devices.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires a juvenile probation department to have written policies and procedures that specifically address the above mentioned requirements relating to the use of mechanical restraints in the course of their official duties and/or in any juvenile justice program.

The inspection and maintenance of mechanical restraint devices shall be conducted on at least an annual basis. The inspection shall include a physical inventory of all restraint devices, and a determination that each restraint device is in working order and that it has not been altered from the manufacturer's original design. As noted in the discussion and interpretation relating to Section 341.70(2)(A), any maintenance performed must adhere to the manufacturer's guidelines (if they exist and/or if they are applicable). There must be written documentation evidencing the completion of both the inspection and maintenance process.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify that the policy contains the requirements in this standard.
2. Review the annual inspection and maintenance documentation for all mechanical restraint devices used by the department.

**Verification Documents:**

1. Policy and procedure manual
2. Annual mechanical restraint inspection and maintenance documentation

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

It is recommended that mechanical restraint devices be inspected at least every 90 calendar days.

The Commission recommends that both the juvenile board and the department's chief administrative officer establish policies that prohibit probation officers from using any personal mechanical restraint devices in the performance of their official duties. A probation officer may possess an approved (by both the board and Commission's standards) type restraint device, but given it is the officer's personal property the device may not meet the other required provisions of this subchapter. It would be difficult for the jurisdiction to fulfill its inspection and maintenance responsibilities as well as ensure the device had not been altered or modified if all devices are not maintained by the jurisdiction. The use of personal mechanical restraint devices also presents significant safety concerns regarding key control and accessibility.

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.70(1)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC Section 341.66 - Restraint  
Requirements

37 TAC Section 341.67 - Restraint  
Prohibitions

37 TAC Section 341.68 - Documentation of  
Restraints

37 TAC Section 341.70(2)(A) - Requirements  
of Mechanical Restraints

**Board Opinion:**

**RFI Opinion:**

## EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

## PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**  
N/A

**Reviewer Preparation Checklist Required:** False

**Reviewer Preparation Checklist:**  
N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	

## TEXT OF STANDARD

**Subchapter:** J - Restraints

## §341.70 Mechanical Restraint .

In addition to the requirements found in sections §341.66, §341.67, and §341.68 of this subchapter, the use of mechanical restraint, shall be governed by the following criteria:

- (2) Prohibitions.
- (A) mechanical restraint devices shall not be altered from the manufacturer's design;
- (B) a juvenile shall not be placed face down while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices;
- (C) a mechanical restraint shall not secure a juvenile in a prone position with his or her arms and/or hands behind the juvenile's back and secured to the juvenile's legs;
- (D) mechanical restraint devices shall not be secured so tightly as to interfere with circulation nor so loosely as to cause chafing of the skin;
- (E) mechanical restraint devices shall not be secured to a stationary object;
- (F) a juvenile in mechanical restraints shall not participate in any physical activity; and
- (G) plastic cuffs shall only be used in emergency situations.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires a juvenile probation department to have policies and procedures that specifically address the above mentioned prohibitions relating to the use of mechanical restraints in the course of their official duties and/or in any juvenile justice program.

Mechanical restraints may not be altered in any way from the original manufacturer's design. If a required repair will modify or alter the mechanical restraint device, the department shall secure and maintain written approval from the manufacturer prior to the repair.

A mechanical restraint shall not secure a juvenile in a prone position with his or her arms and/or hands behind the juvenile's back and secured to the juvenile's legs. This is a restraint commonly referred to as "hog tying" and is strictly prohibited by this standard.

Mechanical restraints shall be applied in a manner so as not to constrict the juvenile's circulation nor applied so loosely as to cause chafing of the juvenile's skin.

A juvenile shall not be mechanically restrained to a stationary object (e.g., a non-moveable object such as a pole, wall, etc.) or to any non-stationary object (e.g., chair, desk, table, etc.).

A juvenile in mechanical restraints shall not be required to participate in any non-essential physical activities. A non-essential physical activity includes, but is not limited to, physical training or exercises such as jumping jacks, jogging, running, sit-ups or while performing community service restitution.

The use of plastic cuffs shall be restricted to emergency use only (riot, mass restraints, etc.). Plastic cuffs shall be limited to short term use and only until the juvenile can be moved to a secure place and/or until other mechanical restraint devices are substituted for the plastic cuffs.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify that it contains a policy pertaining to the mechanical restraint prohibitions listed within the standard.

**Verification Documents:**

1. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

Juvenile probation department's should have policies and procedures that require any juvenile in mechanical restraints to be under the constant visual supervision of a juvenile probation officer. Policies and procedures should also require that the juvenile probation officer providing supervision be in physical possession of the key or tool necessary to release the mechanical restraint(s).

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation  
Commission §341.70(2)

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

Texas Family Code Section 52.01(a)(4) - Taking into Custody

37 TAC Section 341.66(3) - Restraint Requirements

37 TAC Section 341.67 - Restraint Prohibitions

37 TAC Section 341.68 - Documentation of Restraints

**Board Opinion:**

RFI Opinion:

**EFFECTIVE DATES****Standard's Effective Date:** 9/1/2003**CRM Last Modified On:** 9/1/2003**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** True**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:** False**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
-------------------------------	-------------------

Primary Documentation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Secondary Documentation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Compliance
- Non-Compliance
  - Develop Program Improvement Plan
  - Request Waiver
  - Request Variance
- Need Policy and Procedure
- Need Training
- Standard Non-Applicable

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Department Reviewer Name: \_\_\_\_\_

## TEXT OF STANDARD

**Subchapter:** J - Restraints

## §341.71 Transporting.

- (a) Mechanical restraints used during routine transportation in a vehicle, or the taking of a juvenile into custody are not required to be documented as a restraint.
- (b) During transportation of a juvenile in a vehicle the juvenile may not be affixed to any part of the vehicle.
- (c) During transportation in a vehicle a juvenile may not be secured to another juvenile.

## COMMENTARY

**Discussion and Interpretation:**

This standard requires the juvenile probation department to have a policy and procedure that specifically address the use of mechanical restraints during routine transportation of a juvenile or when taking a juvenile into custody.

This standard exempts the juvenile probation department from documenting the use of mechanical restraints during routine transportation of a juvenile and when taking a juvenile into custody. Examples of routine transport include, but are not limited to, transportation to and from court proceedings, secure facilities, residential placements, medical examinations, mental health examinations, counseling sessions, community service sites, etc.

Transportation services provided by law enforcement are exempt from these provisions. In accordance with Texas Family Code Section 52.01(a)(4), taking a juvenile into custody means exercising a juvenile probation officer's authority to take physical possession of the juvenile when the officer has probable cause to believe the juvenile has violated a condition of probation imposed by the juvenile court.

A juvenile may not be physically secured to any part of the vehicle or to any other juvenile during transport. This does not exclude juveniles from wearing safety restraints (seat belts) as per state law. These standards were established to help ensure a minimum level of juvenile safety in situations where a transport vehicle is involved in an accident or when one of multiple juveniles becomes physically combative or attempts to escape during transport. It is important to note that these standards do not require that juveniles be mechanically restrained during transport, but only that these minimal provisions be adhered to when mechanical restraints are used during routine transport.

Mechanical restraints used during routine transportation and when taking a juvenile into custody need not be justified using the criteria established in Section 341.66(3) of this chapter which limits mechanical restraints to instances of threat of imminent self-injury, imminent injury to others and imminent serious property damage.

Mechanical restraints used during routine transportation and custody are considered pre-emptive or precautionary in nature, as they do not require that the juvenile's behavior be imminent. The mere possibility that the juvenile may become threatening, destructive and/or an escape risk justifies the use of mechanical restraints during routine transport or when taking a juvenile into custody. Routine transport is no longer considered routine if the juvenile receives an injury during the restraint or becomes combative, etc.

Additionally, if a juvenile probation officer uses a physical restraint in conjunction with a mechanical restraint, this incident shall be documented and treated as a restraint as defined in Section 341.68. Mechanical restraints applied during non-routine transport or custody shall be documented per the requirements listed in Section 341.68 of this chapter.

**Reviewer Guidelines:**

To determine compliance with this standard, the reviewer will:

1. Review the juvenile probation department's policy and procedure manual to verify whether there is a policy addressing the use of mechanical restraints during the routine transportation of a juvenile in a vehicle or when taking a juvenile into custody.

**Verification Documents:**

1. Policy and procedure manual

## METHODOLOGY

**Compliance Methodology:**

This standard will be monitored using non-sampling techniques which may include the review and analysis of relevant written documentation, interviewing of selected personnel and personal visual observations of program operations made by the reviewer. A program will be in compliance with the standard if all required elements of the standard are met and are verifiable by the reviewer during the monitoring visit.

**Monitoring Methodology:** Yes/No

**Sample:** N/A

**Point Value:** 10

**Total Points Possible:** 30

**Scoring Methodology:** 0 or 10

**Level:** Level 3 - Health & Safety

## REFERENCE MATERIAL

**Recommended Best Practices:**

It is recommended that a staff member of one gender not transport a juvenile of the opposite gender alone.

It is recommended that departmental staff not be allowed to transport juveniles in personal vehicles due to safety and liability issues.

Transporting of juveniles in staff personal vehicles poses liability exposure to the county and the individual for both personal and property injuries. Inadequate insurance coverage substantially increases this risk. If a county has purchased automotive insurance through the Texas Association of Counties, the automotive insurance does not cover personal vehicles even if they are being used for county business. The county, however, would still be subject to a lawsuit under the Texas Tort Claims Act.

The risk of liability extends to the individual probation officers. Without a rider or special endorsement on the officer's insurance to provide for a specific business use, the officer's personal insurance may deny coverage.

In addition to the provisions required by Commission standards the juvenile probation department's policy and procedure should adequately address all aspects of transportation. Policies should include, but not be limited to:

1. Designation of transport vehicles (e.g., personal versus agency vehicles, vehicles with security modifications, etc.)
2. Designation of transport staff (e.g., title of staff, number of staff, gender considerations, etc.)
3. Transport staffs' requisite qualifications (e.g., specialized training)
4. Valid vehicle safety inspection
5. Valid drivers license
6. Safe driving history
7. Appropriate insurance coverage, etc.
8. Juvenile's location within the vehicle (e.g., front seat, back seat, etc.)
9. When to use mechanical restraints
10. What types of mechanical restraints to use, and
11. Public transportation considerations, (e.g., bus, plane, train, etc.)

**Sample Form(s):**

N/A

**Citation(s):**

Title 37 Texas Administrative Code  
Part II Texas Juvenile Probation Commission  
Chapter 341 Texas Juvenile Probation Commission §341.71

**Texas Register Publication Citation:**

28(6) TexReg 1073 Proposed Action  
28(14) TexReg 2929 Adopted Action

**Cross Reference(s):**

37 TAC 341.66(3) - Restraint Requirements

37 TAC 341.68 - Documentation of Restraints

Texas Family Code 52.01(a)(4) - Taking Into Custody

**Board Opinion:**

**RFI Opinion:**

### EFFECTIVE DATES

**Standard's Effective Date:** 9/1/2003

**CRM Last Modified On:** 9/1/2003

### PRE-MONITORING PREPARATION

**Program Tour:** False

**Policy and Procedure:** True

**Pre-Monitoring Checklist:** False

**Pre-Monitoring Preparation Checklist:**

N/A

**Reviewer Preparation Checklist Required:**

False

**Reviewer Preparation Checklist:**

N/A

**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**

**Chief Administrative Officer:** False

**Professional Staff:** False

**Program/Facility Administrator:** False

**Juvenile Board Chair:** False

**Ancillary Staff:** False

**Juvenile:** False

FOR INTERNAL USE ONLY

FOR PROBATION DEPARTMENTAL USE ONLY  
Compliance Assessment Checklist

List Supporting Documentation	Compliance Status
<b>Primary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Compliance <input type="checkbox"/> Non-Compliance <input type="checkbox"/> Develop Program Improvement Plan <input type="checkbox"/> Request Waiver <input type="checkbox"/> Request Variance
<b>Secondary Documentation:</b> _____ _____ _____ _____	<input type="checkbox"/> Need Policy and Procedure <input type="checkbox"/> Need Training <input type="checkbox"/> Standard Non-Applicable
<b>Comments:</b> _____ _____ _____ _____ _____	
<b>Date Reviewed:</b> _____ <b>Department Reviewer Name:</b> _____	