

Texas Administrative Code Chapter 341

Revised standards effective on January 1, 2017

The TJJD Board has adopted changes to 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments. These changes will take effect on January 1, 2017. This document contains a summary of the changes and shows the marked-up text of the affected standards. To see the final text of Chapter 341 in its entirety without the mark-ups, please visit the [Resources page on the TJJD website](#).

#	Title of Standard	Summary of Key Revisions
SUBCHAPTER A: DEFINITIONS AND GENERAL PROVISIONS		
<p>341.100 (new #) 341.1 (old #)</p>	<p>Definitions</p>	<ul style="list-style-type: none"> • Consolidated all existing definitions throughout the chapter into this rule. • Added definitions for the following terms: <i>Alternative Referral Plan, Criminogenic Needs, Department, Initial Disposition, Inter-County Transfer, Intern, Juvenile, Juvenile Board, Resident, Responsivity Factors, TCOLE, Title IV-E Approved Facility, TJJD Mental Health Screening Instrument, Transport Personnel, and Volunteer.</i> • Deleted the definitions for the following terms: <i>Alleged Victim, Case Plan, Case Plan Review, Courtesy Supervision, Exit Plan, Referral, On-Duty, Paper Complaint, Paper Formalized, and Substitute Care Provider.</i> • Changed the term <i>Approved Physical Restraint Technique</i> to <i>Approved Personal Restraint Technique</i> and revised the definition to match existing definitions in other TAC Chapters adopted by TJJD. • Clarified the definition of <i>Approved Mechanical Restraint Devices</i> to reflect that the devices must be commercially available. Removed the requirement for the juvenile board to adopt the approved mechanical restraint devices. Added <i>Soft Restraints</i> to the list of TJJD-approved devices and removed <i>Anklelets and Wristlets</i>. • Changed the definition of <i>Intermediate Weapons</i> to reflect that electronic restraint devices, irritants, and impact weapons are examples of intermediate weapons, rather than the only types of such weapons permitted.
<p>341.102 (new #) 341.4 (old #)</p>	<p>Waiver or Variance to Standards</p>	<ul style="list-style-type: none"> • No changes other than the rule number.
SUBCHAPTER B: JUVENILE BOARD RESPONSIBILITIES		
<p>341.200 (new #) 341.2 (old #)</p>	<p>Administration</p>	<ul style="list-style-type: none"> • Removed the requirement for the juvenile board to specify the responsibilities and functions of the juvenile probation department and the chief administrative officer. • Clarified that the required ratio of one juvenile probation officer for every 100 annual referrals is based on <i>formal referrals</i>. • Clarified that <i>a person designated by the juvenile board</i> (rather than the juvenile board itself) must participate in community resource coordination groups. • Clarified that the signs provided by TJJD relating to complaint procedures must be posted <i>in English and Spanish</i>. • Combined the items relating to research studies and experimentation and moved the combined item from 341.3 to 341.200. Provided more explanation regarding what constitutes prohibited experimentation. Clarified that if the juvenile board designates a board member or staff member to approve research studies on behalf of the board, the designation must be in writing. • Added a requirement that for juvenile boards who adopt an alternative referral plan under Texas Family Code §53.01(d), the most recent version of the plan must be submitted to TJJD’s general counsel.

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#	Title of Standard	Summary of Key Revisions
<p>341.202 (new #) 341.3 (old #)</p>	<p>Policies and Procedures</p>	<ul style="list-style-type: none"> • Clarified that the requirement to establish a deferred prosecution policy applies only if the juvenile board adopts a fee schedule for the collection of deferred prosecution fees. Removed the specific reference to the \$15 maximum monthly fee and instead referred to the Texas Family Code section (§53.03) that contains the monthly maximum. • Added a requirement for the policy on volunteers and interns to include a prohibition on having unsupervised contact with juveniles if the volunteer/intern has a criminal history that does not meet the requirements of 37 TAC Chapter 344. Removed the requirement for the policy to require the volunteer/intern sign-in log to record the names of the juveniles contacted or served. • Clarified that the zero-tolerance policy refers to sexual abuse as defined in 37 TAC Chapter 358. Added that the policy must address conduct by volunteers, interns, and contractors. • Added a requirement for the juvenile board to establish a policy that specifies whether juveniles under age 17 who have been transferred for criminal prosecution under Texas Family Code §54.02 may be detained in a juvenile facility pending trial. • Added a requirement for the juvenile board to establish a policy that specifies whether juvenile probation officers may take a juvenile into custody and whether force is allowed in doing so. If force is allowed, the policy must address certain topics related to use of force, such as training, circumstances when force is authorized, prohibited conduct, and documentation.
SUBCHAPTER C: CHIEF ADMINISTRATIVE OFFICER RESPONSIBILITIES		
<p>341.300 (new #) 341.9 (old #)</p>	<p>Policy and Procedure Manual</p>	<ul style="list-style-type: none"> • Changed the annual review requirement to be <i>within the same calendar month as the previous year's review</i> (instead of once every 365 calendar days).
<p>341.302 (new #) 341.10 (old #)</p>	<p>Participation in Community Resource Coordination Groups</p>	<ul style="list-style-type: none"> • No changes other than the rule number.
SUBCHAPTER D: REQUIREMENTS FOR JUVENILE PROBATION OFFICERS		
<p>341.400 (new #) 341.29 (old #)</p>	<p>Duties of Certified Juvenile Probation Officers</p>	<ul style="list-style-type: none"> • Added the following items to the list of duties that may be performed only by certified juvenile probation officers: <ul style="list-style-type: none"> ○ acting as the primary supervising officer in a collaborative supervision agreement; ○ taking a child into custody under applicable Texas Family Code sections; ○ serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072; ○ referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408; and ○ explaining to the juvenile and parent/guardian/custodian who will have access to the juvenile's record and when the record may be eligible for restricted access or sealing and providing a written copy of this explanation.

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		<ul style="list-style-type: none"> Clarified that persons hired as juvenile probation officers who are not yet certified may perform the duties of a certified officer if they have completed <i>40 hours of training including the mandatory topics listed in 37 TAC Chapter 344</i> (rather than an unspecified number of training hours covering the duties listed in this standard). Also clarified that a non-certified officer may continue to perform duties of a certified officer as long as the application for certification has been filed by the deadline in Chapter 344.
SUBCHAPTER E: CASE MANAGEMENT		
341.35	Definitions	<ul style="list-style-type: none"> REPEALED. Consolidated into new §341.100, which provides definitions for the entire chapter.
341.500 (new #) 341.36 (old #)	Mental Health Screening	<ul style="list-style-type: none"> Clarified that a mental health screening is not required if a licensed mental health professional completes a clinical assessment within the established time frame. Clarified that the person who administers the mental health screening instrument must have received training from TJJJ or its predecessor agency or from a person who is documented to have received training from TJJJ or its predecessor agency.
341.502 (new #) 341.20 (old #)	Risk and Needs Assessment	<ul style="list-style-type: none"> Added a requirement to complete the risk and needs assessment at least once every six months after disposition. Clarified that the risk and needs assessment is required before <i>each</i> disposition in a child's case (in the event there is more than one disposition).
341.504 (new)	Case Management Policies and Procedures	<ul style="list-style-type: none"> NEW STANDARD. Requires that case management practices be based, at a minimum, on the results of the risk and needs assessment, the juvenile's criminogenic needs, risk level, responsibility factors, and involvement of the parent.
341.506 (new)	Case Plans	<ul style="list-style-type: none"> NEW STANDARD. Made several changes from current case plan requirements, such as: <ul style="list-style-type: none"> The case plan must be completed within <i>30 days</i> after initial disposition (rather than 60 days). The case plan must address the relevant criminogenic need(s) and, for each need, must include goals, action steps, responsible persons, time frames, and status of the goal. The juvenile probation officer must complete and document monthly discussions with the youth and parent/guardian/custodian of the youth's status and progress toward meeting case plan goals. The officer then updates the status of case plan goals and action steps. There is no longer a requirement to complete signed case plan reviews every six months. Included a section that exempts certain case plan requirements while an inter-county transfer request is being processed. Included a section requiring documentation when the parent/guardian/custodian cannot be located or is unable or unwilling to participate in case planning activities. Included exemptions from all requirements in this standard for youth who are required to have specialized case plans for the Title IV-E foster care program or the Special Needs Diversionary Program.
341.37	Case Planning	<ul style="list-style-type: none"> REPEALED. These topics are now addressed in new §341.506.

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341.38	Field Supervision	<ul style="list-style-type: none"> • REPEALED. • These topics are now addressed in new §341.506.
341.39	Residential Placement	<ul style="list-style-type: none"> • REPEALED. • These topics are now addressed in new §341.506. The supervising juvenile probation officer maintains responsibility for updating case plans, in consultation with staff at the placement. • There is no longer a requirement for the juvenile probation officer and residential placement staff to complete a new case plan. See conforming changes in 37 TAC Chapters 343 and 355.
341.40	Level of Supervision	<ul style="list-style-type: none"> • REPEALED. • The minimum level of supervision is now addressed in new §341.504. • The requirement to include the level of supervision in the case plan is now addressed in new §341.506. • There is no longer a requirement for departments to establish written criteria for determining a juvenile’s level of supervision.
341.41	Exit Plan	<ul style="list-style-type: none"> • REPEALED. • There is no longer a requirement to complete a separate exit plan. New §341.506 requires the case plan to identify relevant community services for the juvenile and the parent/guardian/custodian to access while under supervision and after supervision ends.
SUBCHAPTER F: DATA COLLECTION		
341.47	Definitions	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.
341.600 (new #) 341.48 (old #)	Data Coordinator	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.602 (new #) 341.49 (old #)	TJJD EDI Extract	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.604 (new #) 341.50 (old #)	Accuracy of Data	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.606 (new #) 341.51 (old #)	Security of Data	<ul style="list-style-type: none"> • Narrowed the requirements to maintain an off-site backup system and to establish written policies for backup and restoration to apply only to departments that do not use the Juvenile Case Management System (JCMS).
SUBCHAPTER G: RESTRAINTS		
341.65	Definitions	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.

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#	Title of Standard	Summary of Key Revisions
341.700 (new)	Applicability	<ul style="list-style-type: none"> • NEW STANDARD.
341.702 (new #) 341.66 (old #)	Requirements	<ul style="list-style-type: none"> • Added transport personnel as individuals who are authorized to use restraints. • Clarified that the criteria for using restraints (i.e., imminent or active self-injury, injury to others, serious property damage) and the requirement to terminate the restraint when the criteria are no longer present do not apply to restraints used during routine transportation or when a juvenile probation officer takes a juvenile into custody.
341.704 (new #) 341.67 (old #)	Prohibitions	<ul style="list-style-type: none"> • Replaced the term “face down” with “prone or supine position” to match wording used in other TAC chapters adopted by TJJD. • Added that restraints that place anything around the juvenile’s neck are prohibited.
341.705 (new)	Transport Personnel	<ul style="list-style-type: none"> • NEW STANDARD.
341.706 (new #) 341.68 (old #)	Documentation	<ul style="list-style-type: none"> • Added that using mechanical restraints during routine transportation and taking a juvenile into custody are not required to be documented as restraints unless: <ul style="list-style-type: none"> ○ cooperation is compelled through the use of a personal restraint; or ○ the juvenile receives an injury related to the restraint event. • Added a requirement that documentation of a restraint must include a narrative description of the event from each staff member who participated in the restraint. • Clarified that the documentation must indicate the specific type of personal restraint hold or type of mechanical restraint applied.
341.708 (new #) 341.69 (old #)	Personal Restraint	<ul style="list-style-type: none"> • Changed the required frequency of retraining to be once every 365 calendar days or as required by the specific restraint technique, whichever time frame is shorter (instead of once every two years). • Moved the requirement for departments to use only TJJD-approved personal restraint techniques to this standard from §341.65.
341.710 (new #) 341.70 (old #)	Mechanical Restraint	<ul style="list-style-type: none"> • Specified that mechanical restraint devices must have documented inspections at least once each year within the same calendar month as the previous year’s inspection. • Added a requirement to restrict faulty or malfunctioning devices from use until they are repaired. Added a requirement for all maintenance to adhere to the manufacturer’s guidelines. • Clarified that mechanical restraints may not be used to secure a juvenile in a prone, <i>supine</i>, or <i>lateral</i> position with arms and hands behind his/her back and secured to his/her legs. • Moved the requirement for departments to use only TJJD-approved mechanical restraint devices to this standard from §341.65.
341.712 (new #) 341.71 (old #)	Transporting	<ul style="list-style-type: none"> • Moved the documentation exception for routine transport and taking juveniles into custody from this standard to §341.706.

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#	Title of Standard	Summary of Key Revisions
SUBCHAPTER H: CARRYING OF WEAPONS		
341.80	Definitions	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.
341.800 (new #) 341.81 (old #)	Applicability and Authorization	<ul style="list-style-type: none"> • Clarified that an officer is not disqualified from carrying a firearm if he/she has been found to be a designated perpetrator in a TJJJ abuse, neglect, or exploitation investigation if that designation has since been overturned. • Removed the provision that stated this subchapter does not authorize an officer to carry a firearm while not on duty. There is no longer a definition of <i>on duty</i> in this chapter. Instead, the standards now use the statutory phrase <i>in the course of the officer's official duties</i> when describing when an officer is authorized to carry the firearm.
341.802 (new #) 341.82 (old #)	Documentation Requirements	<ul style="list-style-type: none"> • Increased the deadline to 30 calendar days (instead of five workdays) for submitting required documents to TJJJ after receiving the initial or renewal firearms proficiency certificate. • Added a requirement to include the department's current weapons-related policies and procedures when submitting required documents to TJJJ.
341.804 (new #) 341.83 (old #)	Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm	<ul style="list-style-type: none"> • Removed the requirement for the juvenile probation officer to notify TJJJ if the officer is arrested for, charged with, or convicted of any criminal offense. Moved this duty to the chief administrative officer in new §341.806.
341.84	Use of Force Continuum	<ul style="list-style-type: none"> • REPEALED. • The standards no longer require 20 hours of empty-hand defense training before an officer may carry a firearm. New §341.808 requires each department to specify the number of required hours. • The requirement to comply with Penal Code Chapter 9 is already reflected in new §341.808 (old §341.86). • Moved the requirement to carry an intermediate weapon when carrying a firearm from this standard to new §341.808.
341.806 (new #) 341.85 (old #)	Responsibilities of Chief Administrative Officer or Other Supervising Officers	<ul style="list-style-type: none"> • Removed the requirement for the chief administrative officer or the supervisor of an officer who carries a firearm to comply with all requirements of this subchapter. New §341.808 requires the department to determine any such responsibilities and address them in department policies and procedures. • Removed the requirement for the department to notify TCOLE within 24 hours when the department rescinds its authorization for an officer to carry a firearm or when an officer who carries a firearm separates from employment with the department. • Clarified that an internal investigation must be conducted whenever an officer does any of the following <i>during the course of his/her official duties</i>: <ul style="list-style-type: none"> ○ uses an empty-hand defense tactic <i>in an incident involving another person</i>; ○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or ○ draws or discharges a firearm <i>in any incident</i>. • Specified that in cases where the chief administrative officer is the subject of the investigation, the juvenile board or the board's designee must conduct the investigation. • Removed use of empty-hand defense tactics as an incident that requires the officer to be placed on administrative leave or reassigned to a no-contact position.

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		<ul style="list-style-type: none"> • Specified that an officer must be placed on administrative leave or reassigned to a no-contact position when the officer, <i>in the course of his/her official duties</i>: <ul style="list-style-type: none"> ○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or ○ draws or discharges a firearm <i>in any incident</i>. • Added a requirement for the chief administrative officer to ensure TJJJ is notified within 24 hours after the chief administrative officer learns that an officer who carries a firearm is arrested for, charged with, or convicted of a criminal offense
341.808 (new #) 341.86 (old #)	Written Policies and Procedures	<ul style="list-style-type: none"> • Added that the department’s weapons-related policies and procedures must: <ul style="list-style-type: none"> ○ specify the amount of training in empty-hand defense tactics and intermediate weapons that is required before an officer may carry a firearm; ○ specify the amount of continuing education required for officers who carry a firearm; ○ specify the duties and training requirements of a chief administrative officer or direct supervisor when the direct supervisor does not carry a firearm but supervises an officer who does carry a firearm; ○ require all weapons-related training to be received from a TCOLE-certified instructor; ○ state whether intermediate weapons are to be purchased and maintained by the department or by the officer; ○ <i>specify whether</i> the firearm must be fully loaded when carried or worn in the course of official duties (this replaces a requirement that it always be fully loaded); ○ <i>specify how</i> the officer must carry or display his/her identifying credentials when carrying a firearm in the course of official duties (this replaces a requirement to always display them); ○ specify the type(s) of intermediate weapons to be used; ○ <i>state the manner</i> in which the firearm must be worn or carried (this replaces a requirement to be encased in a holster); ○ require documentation of each incident in which an officer, in the course of official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm (this replaces a general requirement to define the process for reporting use of force incidents); ○ require an officer to carry an intermediate weapon at all times while carrying a firearm; and ○ specify the manner in which the intermediate weapon(s) must be carried.
341.810 (new #) 341.87 (old #)	Reporting Use of Force Incidents to TJJJ and Law Enforcement	<ul style="list-style-type: none"> • Specified that reports to TJJJ are required when an officer, <i>in the course of official duties</i>: <ul style="list-style-type: none"> ○ uses an empty-hand defense tactic <i>in an incident involving another person</i>; ○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or ○ draws or discharges a firearm <i>in any incident</i>.
341.812 (new #) 341.88 (old #)	Records	<ul style="list-style-type: none"> • Removed the requirement to keep the Firearms Proficiency for Juvenile Probation Officers Application in the personnel file. • Added a requirement to keep in the officer’s personnel file an acknowledgment that the officer has reviewed the department’s current weapons-related policies and procedures.

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#	Title of Standard	Summary of Key Revisions
341.89	Training and Qualification Requirements	<ul style="list-style-type: none"> • REPEALED. • Moved the requirement to receive training from a TCOLE-approved instructor to new §341.808. • Moved the requirement for training to cover relevant topics to new §341.808. • Removed the requirement for 20 hours of continuing education for officers who carry firearms. New §341.808 requires each department to specify the number of required hours in its policies and procedures. • Removed the requirement to submit to TJJJ proof of completing training within five workdays after completing the training. Proof of training is addressed in §341.802.
341.90	Disqualifying Conduct	<ul style="list-style-type: none"> • REPEALED. • This standard duplicates information contained in §341.800.
341.91	Prohibited Conduct	<ul style="list-style-type: none"> • REPEALED. • New §341.808 requires departments to establish criteria their policies and procedures for when force is justified consistent with Texas Penal Code Chapter 9. • TJJJ standards will no longer regulate when firing a weapon is or is not justified or whether striking weapons are allowable.

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Subchapter A. Definitions and General Provisions

- §341.~~1004~~ Definitions
- §341.~~102~~ Waiver or Variance to Standards

Subchapter B. Juvenile Board Responsibilities

- §341.~~2002~~ Administration
- §341.~~2023~~ Policies and Procedures
- §341.~~4~~ Waiver or Variance to Standards

Subchapter C. Chief Administrative Officer Responsibilities

- §341.~~3009~~ Policy and Procedure Manual
- §341.~~30240~~ Participation in Community Resource Coordination Groups

~~Subchapter D. Assessment and Screening~~

- §341.~~20~~ Risk and Needs Assessment

Subchapter DF. Requirements for Juvenile Probation Officers

- §341.~~40029~~ Duties of Certified Juvenile Probation Officers

Subchapter EG. Case Management ~~Standards~~

- §341.~~35~~ Definitions
- §341.~~50036~~ Mental Health Screening
- §341.~~502~~ Risk and Needs Assessment
- §341.~~504~~ Case Management Policies and Procedures
- §341.~~506~~ Case Plans
- §341.~~37~~ Case Planning
- §341.~~38~~ Field Supervision
- §341.~~39~~ Residential Placement
- §341.~~40~~ Level of Supervision
- §341.~~41~~ Exit Plan

Subchapter FH. Data Collection ~~Standards~~

- §341.~~47~~ Definitions
- §341.~~60048~~ Data Coordinator
- §341.~~60249~~ TJJJ EDI Extract
- §341.~~60450~~ Accuracy of Data
- §341.~~60654~~ Security of Data

Subchapter GJ. Restraints

- §341.~~65~~ Definitions
- §341.~~700~~ Applicability
- §341.~~70266~~ Requirements
- §341.~~70467~~ Prohibitions
- §341.~~705~~ Transport Personnel
- §341.~~70668~~ Documentation
- §341.~~70869~~ Personal Physical Restraint
- §341.~~71070~~ Mechanical Restraint
- §341.~~71274~~ Transporting

Subchapter HK. Carrying of Weapons

- §341.~~80~~ Definitions
- §341.~~80084~~ Applicability and Authorization
- §341.~~80282~~ Documentation Requirements
- §341.~~80483~~ Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm
- §341.~~84~~ Use of Force Continuum
- §341.~~80685~~ Responsibilities of Chief Administrative Juvenile Probation Officers or Other Supervising Officers
- §341.~~80886~~ Written Policies and Procedures
- §341.~~81087~~ Reporting and Investigating Use of Force Incidents to TJJJ and Law Enforcement
- §341.~~81288~~ Records
- §341.~~81489~~ Training and Qualification Requirements
- §341.~~90~~ Disqualifying Conduct
- §341.~~91~~ Prohibited Conduct

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Subchapter A Definitions and General Provisions

§341.1004 Definitions

Effective Date: 1/1/17/4/14

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

- (1) Alternative Referral Plan--A procedure that deviates from the requirements of Texas Family Code §53.01(d) regarding referral of cases to the prosecutor.
- ~~(1) Alleged Victim--A juvenile alleged as being a victim of abuse, exploitation, or neglect.~~
- (2) Approved Personal Restraint Technique ("personal restraint")--A professionally trained, curriculum-based, and competency-based 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.
- (3) Approved Mechanical Restraint Devices ("mechanical restraint")--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:
 - (A) Ankle Cuffs--Metal band designed to be fastened around the ankle to restrain free movement of the legs.
 - (B) Handcuffs--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.
 - (C) Plastic Cuffs--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.
 - (D) Soft Restraints--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.
 - (E) Waist Belt--A cloth, leather, or metal band designed to be fastened around the waist and used to secure the arms to the sides or front of the body.
- (4) Case Management System--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.
- (5) 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.
- (6) Comprehensive Folder Edit--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.
- (7) Criminogenic Needs--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.
- (8) Data Coordinator--A person employed by a juvenile probation department who is designated to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.
- (9) Department--A juvenile probation department.
- (10) Draw--To unholster a weapon in preparation for use against a perceived threat.

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- (11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.
- (12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.
- (13) **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.
- (14) **Formal Referral**--An event that occurs only when all three of the following conditions exist:
- (A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;
 - (B) the juvenile probation department has jurisdiction and venue; and
 - (C) the office or official designated by the juvenile board has:
 - (i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or
 - (ii) given written or verbal authorization to detain the juvenile.
- (15) **Initial Disposition**--The disposition of probation issued by a juvenile court after a child is:
- (A) formally referred to a juvenile probation department for the first time; or
 - (B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.
- (16) **Inter-County Transfer**--As described in Texas Family Code §51.072, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.
- (17) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.
- (18) **Intern**--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.
- (19) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.
- (20) **Juvenile Board**--A governing board created under Chapter 152 of the Texas Human Resources Code.
- (21) **Juvenile Justice Program**--A program or department that:
- (A) serves juveniles under juvenile court or juvenile board jurisdiction; and
 - (B) is operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board ~~that serves juveniles under juvenile court jurisdiction or juvenile board jurisdiction~~. The term includes:
 - (i) juvenile justice alternative education programs;
 - (ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court; and
 - (iii) juvenile probation departments.

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- ~~(4) **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.~~
- ~~(22) **Resident**--A juvenile or other individual who has been lawfully admitted into a pre-adjudication secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a non-secure juvenile correctional facility.~~
- ~~(23) **Residential Placement**--Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.~~
- ~~(24) **Restraints**--Personal or mechanical restraint.~~
- ~~(25) **Responsivity Factors**--Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)~~
- ~~(26) **SRSXEdit**--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.~~
- ~~(27) **Supervision**--The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.~~
- ~~(28) **TCOLE**--Texas Commission on Law Enforcement.~~
- ~~(29) **Title IV-E Approved Facility**--A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.~~
- ~~(30) **TJJD**--Texas Juvenile Justice Department.~~
- ~~(31) **TJJD Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.~~
- ~~(32) **TJJD Mental Health Screening Instrument**--An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.~~
- ~~(33) **Transport Personnel**--An employee of a juvenile probation department, other than a juvenile supervision officer, whose primary job duty is to transport juveniles.~~
- ~~(34) **Volunteer**--An individual who performs services for the juvenile probation department without compensation from the department who has:
 - ~~(A) any unsupervised contact with juveniles in a juvenile justice program or facility; or~~
 - ~~(B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.~~~~

§341.102 Waiver or Variance to Standards

Effective Date: 1/1/17

Unless expressly prohibited by another standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.

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Subchapter B Juvenile Board Responsibilities

§341.2002 Administration

Effective Date: ~~1/1/17~~ 1/1/14

(a) **Local Juvenile Probation Services Administration.**

- (1) ~~For each autonomous juvenile probation department, the juvenile board must employ a chief administrative officer who meets the standards set forth in Chapter 344 of this title. for each autonomous juvenile probation department.~~
- ~~(2) The juvenile board must 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.~~
- (23) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board must ensure that the juvenile probation ~~department's department~~ policies, programs, and procedures are clearly differentiated.

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

(c) **Participation in Community Resource Coordination Groups.**

- (1) ~~A person designated by the juvenile boards~~ must participate in the system of community resource coordination groups pursuant to Texas Government Code §531.055.
- (2) The chair of the juvenile board or his/her designee must serve as representative to the interagency dispute resolution process required by Texas Government Code §531.055.

(d) **Notice of Complaint Procedures.** The juvenile board must ~~ensure post~~ the English and Spanish signs provided by TJJD relating to complaint procedures are posted in a public area of:

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

(e) Research Studies and Experimentation.

- (1) The juvenile board must establish a policy that prohibits participation by juveniles in research that employs an experimental design to test a medical, pharmaceutical, or cosmetic product or procedure.
- (2) Participation by juveniles in any other kind of research is prohibited unless:
 - (A) the research study is approved in writing by the juvenile board or its designee; and
 - (B) the juvenile board has established policies that:
 - (i) govern all authorized research studies;
 - (ii) prohibit studies that involve medically invasive procedures; and
 - (iii) adhere to all federal requirements governing human subjects and confidentiality.
- (3) If the juvenile board authorizes a board member or staff member to approve research studies on behalf of the board, the authorization must be in writing.
- (4) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.
- (5) Before a research study approved by the juvenile board begins, the research study must be reported to TJJD in a format prescribed by TJJD.
- (6) Results of a completed study must be made available to TJJD upon request.

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(f) Alternative Referral Plans.

If a juvenile board adopts an alternative referral plan under Texas Family Code §53.01(d), the board must ensure the most recent version of the plan is submitted to the TJJD general counsel.

§341.2023 Policies Policy and Procedures

Effective Date: 1/1/174/1/14

- (a) **Personnel Policies.** The juvenile board must establish ~~adopt~~ written personnel policies.
- (b) **Department Policies.** The juvenile board must establish ~~adopt~~ written department policies and procedures. These policies must include, at a minimum, the following provisions, if applicable:-

(1) **Deferred Prosecution.**

(A) If the juvenile board adopts a fee schedule for the collection of deferred prosecution fees, the board must establish a written policy that includes the following requirements. The deferred prosecution policy must, at a minimum, include the following provisions:

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

~~(iB) The monthly fee must be determined after obtaining a financial statement from the parent or guardian and may not exceed the maximum set by Texas Family Code §53.03.~~

~~(iiC) The fee schedule must be based on total parent/guardian income.~~

~~(iiiD) The chief administrative officer or his/her designee must approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.~~

~~(BE) A deferred prosecution fee may must not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.~~

(2) **Volunteers and Interns.**

If a juvenile probation department utilizes volunteers or interns, ~~has or develops a volunteer or internship program,~~ the juvenile board must establish, ~~at a minimum, adopt the following~~ policies for the volunteer and/or internship program that include:

(A) a description of the scope, responsibilities, and limited authority of volunteers and interns who work with the department;

(B) selection and termination criteria, including disqualification based on specified criminal history;

(C) a requirement to conduct criminal history searches as described in Chapter 344 of this title for volunteers and interns who will have direct, unsupervised access to juveniles;

(D) a prohibition on having unsupervised contact with juveniles for volunteers and interns whose criminal history does not meet the requirements in Chapter 344 of this title;

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

(F) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and

(G) a requirement to maintain a sign-in log that documents the name of the volunteer/intern, the purpose of the visit, the date of the service, and the beginning and ending time of the service performed for the department.

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

~~(B) a requirement for criminal history searches in accordance with the requirements set forth in Chapter 344 of this title;~~

~~(C) selection and termination criteria, including disqualification based on criminal history;~~

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- ~~(D) — orientation and training requirements including training on reporting abuse, exploitation, and neglect;~~
- ~~(E) — a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and~~
- ~~(F) — a provision requiring all volunteer and intern activity involving contact with juveniles to be documented through the use of a log which identifies:
 - ~~(i) — the name of the volunteer/intern;~~
 - ~~(ii) — the date and time (beginning and ending) of the activity;~~
 - ~~(iii) — the name of the juvenile(s) contacted/served; and~~
 - ~~(iv) — general description of the activity/service the volunteer/intern provided.~~~~
- ~~(3) — **Experimentation.** The juvenile board must adopt a policy that, at a minimum, prohibits a department or juvenile justice program from using juveniles for medical, pharmaceutical, or cosmetic experiments.~~
- ~~(4) — **Research Studies.** Participation by juveniles in medical, psychological, pharmaceutical, or cosmetic research is prohibited unless the research study is approved in writing by the juvenile board subject to the following requirements:
 - ~~(A) — The juvenile board must promulgate approved policies that govern all authorized research studies. Studies that include medically invasive procedures must be prohibited.~~
 - ~~(B) — Approved research studies must adhere to all applicable policies of the authorizing juvenile board.~~
 - ~~(C) — Research studies approved by the juvenile board must be reported to TJJD in a format prescribed by TJJD prior to commencement of the study.~~
 - ~~(D) — After receiving a request from TJJD, the juvenile board chair or the chief administrative officer must provide TJJD with the written results of a completed research study.~~
 - ~~(E) — Policies governing research studies must adhere to all federal requirements governing human subjects and confidentiality.~~~~
- (35) Zero-Tolerance for Sexual Abuse.** The juvenile board must ~~establish~~ adopt zero-tolerance policies and procedures regarding sexual abuse as defined in Chapter 358 of this title. The policies and procedures must:
 - (A) ~~strictly~~ prohibit ~~all~~ sexual abuse of juveniles under the jurisdiction of the department by department staff, volunteers, interns, and contractors;
 - (B) establish the actions department staff must take in response to allegations of sexual abuse and TJJD-confirmed incidents of sexual abuse; and
 - (C) provide for administrative ~~and/or criminal~~ disciplinary sanctions and referral for criminal prosecution.
- (4) Pretrial Detention for Certain Juveniles.** As required by Texas Human Resources Code §152.0015, the juvenile board must establish a policy that specifies whether a person who has been transferred for criminal prosecution under Texas Family Code §54.02 and is younger than 17 years of age may be detained in a juvenile facility pending trial.
- (5) Taking Juveniles into Custody.**
 - The juvenile board must establish a policy that specifies whether juvenile probation officers may take a juvenile into custody as allowed by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015.
 - (A) If the policy allows juvenile probation officers to take a juvenile into custody, the policy must specify whether the officers are allowed to use force in doing so.
 - (B) If the policy allows juvenile probation officers to use force in taking a juvenile into custody, the policy must:

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- (i) ~~address prohibited conduct, circumstances under which force is authorized, and training requirements;~~
- (ii) ~~require each use of force to be documented, except when the only force used is the placement of mechanical restraints on the juvenile.~~

§341.4 Waiver or Variance to Standards

Effective Date: 4/1/14

~~Unless expressly prohibited by another standard, an application for waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.~~

Subchapter C Chief Administrative Officer Responsibilities

§341.3009 Policy and Procedure Manual

Effective Date: 1/1/17/4/14

- (a) The chief administrative officer must develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must include the policies and procedures of the juvenile probation department as ~~established~~ adopted by the juvenile board. ~~The chief administrative officer must also ensure the daily juvenile probation department practice conforms to the policies and procedures detailed in the manual.~~
- (b) The chief administrative officer must provide all employees with a copy of or access to the policy and procedure manual, review the manual no later than the last day of the calendar month of the previous year's review, at least once every 365 calendar days, maintain documentation of this review, and update the manual as necessary.

§341.30240 Participation in Community Resource Coordination Groups

Effective Date: 1/1/17/4/14

The chief administrative officer or his/her designee must serve as the liaison to the local community resource coordination group pursuant to Texas Government Code §531.055.

Subchapter D Assessment and Screening

§341.20 Risk and Needs Assessment

Effective Date: 4/1/14

~~A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by TJJD, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.~~

~~(1) Selection of Risk and Needs Assessment Instrument.~~

- ~~(A) All juvenile probation departments may use the TJJD Risk and Needs Assessment Instrument (RANA).~~
- ~~(B) Departments may request and receive approval from TJJD to use a validated risk and needs assessment instrument other than the RANA.~~

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- ~~(2) Administration of Instrument. The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.~~
- ~~(3) Reports to TJJD.
 - ~~(A) The summary risk and needs scores of all juveniles assessed with a risk and needs assessment instrument must be electronically reported to TJJD on a monthly basis in accordance with §341.49 of this chapter.~~
 - ~~(B) All risk and needs factor information must be electronically reported to TJJD in the format prescribed by TJJD.~~~~

Subchapter **DF** Requirements for Juvenile Probation Officers

§341.40029 Duties of Certified Juvenile Probation Officers Effective Date: 1/1/17~~4/4/4~~

- (a) ~~In addition to any duties, responsibilities, or powers granted by Title III of the Texas Family Code, the~~The following duties and responsibilities ~~may~~ must be performed only by certified juvenile probation officers, except as allowed by subsection (b) of this section:
 - (1) recommending a disposition in formal court proceedings;
 - (2) providing final approval of written social history reports;
 - (3) acting as the primary supervising officer for ~~all~~ court-ordered and deferred prosecution cases;
 - ~~(4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;~~
 - ~~(5) developing and implementing writing and administering case plans in accordance with Subchapter EG of this chapter; and~~
 - ~~(6) conducting intake interviews and preliminary investigations and making release decisions if authorized by the juvenile board under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;~~
 - ~~(7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;~~
 - ~~(8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;~~
 - ~~(9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;~~
 - ~~(10) explaining to the juvenile and to the juvenile's parent, guardian, or custodian, the following, as required by Texas Family Code §58.209:
 - ~~(A) who will have access to the juvenile's record; and~~
 - ~~(B) under what circumstances that record may be eligible for restricted access or sealing; and~~~~
 - ~~(11) providing the juvenile with a written copy of the explanation in paragraph (10) of this subsection.~~
- (b) Subject to the application deadline established in Chapter 344 of this title, an ~~An~~ individual hired as a juvenile probation officer who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) of this section if so long as the individual ~~;~~
 - ~~(1) has worked for the probation department for no more than six months from the individual's date of hire;~~
 - ~~(2) has received training on each duty listed in subsection (a) of this section; and~~

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- ~~(3) has completed a minimum of 40 hours of training, which must include the mandatory topics required in Chapter 344 of this title, received training in recognizing and reporting abuse, exploitation, and neglect.~~

Subchapter **EG** Case Management **Standards**

§341.35 Definitions

Effective Date: 4/1/14

The following words or terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

- ~~(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, Strategies for Juvenile Supervision findings if any, preliminary investigation information, and victim impact statements utilizing all appropriate resources.~~
- ~~(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.~~
- ~~(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.~~
- ~~(4) **Exit Plan**--A 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.~~
- ~~(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.~~
- ~~(6) **Formal Referral**--Occurs and should be counted when all three of the following conditions exist:~~
- ~~(A) delinquent conduct, conduct indicating a need for supervision, or a 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.~~
- ~~(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 a foster home or a public or private institution or agency.~~
- ~~(8) **Substitute Care Provider**--A foster home or a public or private institution or agency that provides residential services to juveniles.~~
- ~~(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, the juvenile's family, and other case planning participants.~~

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~~(10) **TJJD Standard Screening Tool**—An instrument provided by TJJD to assist in identifying juveniles who may have mental health needs.~~

§341.50036 Mental Health Screening

Effective Date: ~~1/1/17~~**4/14**

- (a) ~~**TJJD Standard Screening Tool**—The TJJD mental health screening instrument **Standard Screening Tool** must be completed for all juveniles who receive a formal referral to the juvenile probation department, except in the specific circumstances listed in paragraphs (1)-(2) of this subsection.~~
- ~~(1) A clinical assessment by a licensed mental health professional may be substituted for the TJJD mental health screening instrument if the assessment is completed within the time frames listed in subsection (b) of this section.~~
- ~~(2) The department is not required to complete an additional screening if ~~if~~ the TJJD mental health screening instrument **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.**—If the juvenile is not admitted into detention, the ~~The~~ TJJD mental health screening instrument **Standard Screening Tool** must be administered no later than 14 calendar days after the date of the first face-to-face contact between the juvenile and a juvenile probation officer. If the juvenile is admitted into detention, the detention facility is required under §343.404 of this title to administer the TJJD mental health screening instrument within 48 hours after admission and to send the results to the supervising juvenile probation officer.~~
- ~~(2) **Referrals With Detention.**~~
- ~~(A) The TJJD Standard Screening Tool must be administered to each juvenile admitted into detention.~~
- ~~(B) The TJJD Standard Screening Tool must be administered within 48 hours after the time the juvenile is admitted into detention.~~
- ~~(c) **Administration of Instrument.** The TJJD Standard Screening Tool must be administered by an individual trained to administer the instrument.~~
- (c) The individual administering the TJJD mental health screening instrument must have received training from:
- (1) TJJD or its predecessor agency on administering the mental health screening instrument; or
- (2) an individual who is documented to have received training from TJJD or its predecessor agency on administering the mental health screening instrument.
- ~~(d) **Reports to TJJD.** The summary scores of all juveniles screened using the TJJD Standard Screening Tool and any other information required by TJJD must be electronically reported to TJJD on a monthly basis under §341.49 of this chapter.~~

§341.502 Risk and Needs Assessment

Effective Date: ~~1/1/17~~

- (a) A juvenile probation department must complete a risk and needs assessment for a juvenile:
- (1) before each disposition in a juvenile's case; and
- (2) at least once every six months.
- (b) The risk and needs assessment instrument must be:
- (1) validated; and
- (2) approved or provided by TJJD.

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- (c) The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.

§341.504 Case Management Policies and Procedures

Effective Date: 1/1/17

Each department's case management policies and procedures must:

- (1) establish that individualized case management practices are based on a consideration of the following factors, at a minimum:
 - (A) results of the department's risk and needs assessment instrument;
 - (B) criminogenic needs;
 - (C) risk level to reoffend;
 - (D) responsivity factors; and
 - (E) involvement of the parent(s), guardian, or custodian; and
- (2) require a minimum of one face-to-face contact per month with each juvenile under supervision unless otherwise noted in the case plan.

§341.506 Case Plans

Effective Date: 1/1/17

- (a) A case plan must be developed for each juvenile assigned to progressive sanctions level three, four, or five, as defined in Texas Family Code Chapter 59, and for each juvenile given determinate sentence probation under Texas Family Code §54.04(g).
- (b) The case plan must be completed within 30 calendar days after the date of initial disposition. The case plan must be:
 - (1) developed by a juvenile probation officer in coordination with the juvenile and the juvenile's parent, guardian, or custodian;
 - (2) signed by a juvenile probation officer, the juvenile, and the juvenile's parent, guardian, or custodian; and
 - (3) retained, with copies provided to:
 - (A) the juvenile;
 - (B) the juvenile's parent, guardian, or custodian; and
 - (C) upon placement of a juvenile in a residential placement, staff at the residential placement.
- (c) The case plan must address:
 - (1) relevant criminogenic need(s), as determined by the department; and
 - (2) the following information for each criminogenic need addressed in the case plan:
 - (A) goal(s); and
 - (B) for each goal:
 - (i) action step(s);
 - (ii) person(s) responsible for completing the action step(s);
 - (iii) time frame for completing the action step(s); and
 - (iv) status of the goal;
 - (3) identification of relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while the juvenile is under supervision and after supervision ends;

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- (4) facility name and phone number, if the juvenile is in a residential placement; and
 - (5) level of supervision.
- (d) Except as noted in subsection (f) of this section, the juvenile probation officer must complete and document the following actions each calendar month after the case plan has been developed:
 - (1) discuss progress toward meeting case plan goals with:
 - (A) the juvenile;
 - (B) the juvenile's parent(s), guardian, or custodian; and
 - (C) the residential provider where the juvenile is placed, if applicable; and
 - (2) update the status and progress toward meeting case plan goals and action steps.
- (e) If the parent, guardian, or custodian cannot be located or is unable or unwilling to participate in developing or updating the case plan as required in subsection (b) or (d) of this section, documentation of the reason the parent, guardian, or custodian did not participate must be maintained.
- (f) The requirements in subsection (d) of this section do not apply after a request for an inter-county transfer has been submitted and before the sending and receiving counties have agreed on the official start date, as described in Texas Family Code §51.072 (f-1).
- (g) Within 30 calendar days after the official start date for an inter-county transfer, the receiving county must:
 - (1) assume responsibility for the monthly updates described in subsection (d) of this section; or
 - (2) complete a new case plan in accordance with subsections (b) and (c) of this section.
- (h) Section 341.506 of this title does not apply to:
 - (1) juveniles on field supervision in departments that currently participate in Title IV-E reasonable candidacy;
 - (2) juveniles who have been certified or are pending certification as Title IV-E eligible; or
 - (3) juveniles who are receiving services under the Special Needs Diversionary Program administered by TJJD.
- (i) A case plan is required in accordance with subsections (b) and (c) of this section within 30 calendar days after any of the following events:
 - (1) a juvenile is discharged from the Title IV-E foster care reimbursement program or is determined to be ineligible for the Title IV-E program;
 - (2) a juvenile is discharged from the Special Needs Diversionary Program; or
 - (3) a department ceases to participate in claiming Title IV-E reasonable candidate costs.

~~§341.37 Case Planning~~

~~Effective Date: 4/1/14~~

~~In accordance with §341.38 or §341.39 of this chapter, a written case plan must 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).~~

~~§341.38 Field Supervision~~

~~Effective Date: 4/1/14~~

- ~~(a) **Initial Case Plan.** The initial case plans for juveniles placed on field supervision must be:~~
 - ~~(1) developed in consultation with the juvenile's parent, guardian, or custodian; the juvenile; the supervising juvenile probation officer; and any other interested parties;~~
 - ~~(2) developed within 60 calendar days after the date of the juvenile's disposition;~~

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- ~~(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.~~

(b) Case Plan Review.

- ~~(1) Case plans must be reviewed and updated:
 - ~~(A) at least once 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; the supervising juvenile probation officer; and at least one parent, guardian, or custodian must participate in the review process.~~
- ~~(3) The case plan review must 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 must 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 must be maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian, or custodian.~~

§341.39 Residential Placement

Effective Date: 4/1/14

- (a) Initial Case Plan.** The initial case plans for juveniles placed in residential placement must:
 - ~~(1) be developed and implemented within 30 calendar days after 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 1 TAC §351.13;~~
 - ~~(4) be signed by the juvenile; 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.~~
- (b) Case Plan Review.**
 - ~~(1) Case plans must be reviewed and updated at least once every 90 calendar days.~~
 - ~~(2) The juvenile and at least one parent, guardian, or custodian must participate in the case plan review with the substitute care provider and the juvenile's supervising juvenile probation officer.~~
 - ~~(3) The case plan reviews must measure the juvenile's progress toward meeting his/her goals using the six-point scale outlined in 1 TAC §351.13.~~

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- ~~(4) The outcome of the substitute care provider's service delivery must be assessed based on whether the child is progressing in 50 percent or more of identified goals.~~
- ~~(5) Case plan reviews must 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 must be retained in the juvenile's case file.~~

§341.40 Level of Supervision

Effective Date: 4/1/14

- ~~(a) The juvenile probation department must adopt written criteria the department will use to determine a juvenile's level of supervision while under field supervision.~~
- ~~(b) The level of supervision must be included in the juvenile's written case plan.~~
- ~~(c) A minimum of one face-to-face contact per month with the juvenile is mandatory unless otherwise noted in the case plan.~~

§341.41 Exit Plan

Effective Date: 4/1/14

- ~~(a) A written exit plan must 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 TJJD.~~
- ~~(c) The written exit plan must be developed in consultation with the juvenile; the juvenile's parent, guardian, or custodian; and the supervising juvenile probation officer.~~
- ~~(d) The exit plan must 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 must be filed in the juvenile's case file.~~
- ~~(f) Copies of the exit plan must be provided to the juvenile and the juvenile's parent, guardian, or custodian.~~

Subchapter **FH** Data Collection Standards

§341.47 Definitions

Effective Date: 4/1/14

The following words or terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

- ~~(1) **Case Management System**—A computer-based tracking system that provides juvenile probation officers a systematic method to track and manage juvenile offender caseloads.~~
- ~~(2) **Data Coordinator**—A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.~~
- ~~(3) **TJJD Electronic Data Interchange (EDI) Extract**—An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.~~
- ~~(4) **Comprehensive Folder Edit**—A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data, unrecoverable files, and questionable data that impact the accuracy of the reports and programs.~~

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- ~~(5) **SRSXEdit**—An audit program developed by TJJJ to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJJ.~~
- ~~(6) **EDI Specifications**—Document developed by TJJJ outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJJ EDI extract.~~

§341.60048 Data Coordinator

Effective Date: 1/1/17 ~~4/1/14~~

(a) Training Requirements.

- (1) The data coordinator must have a thorough understanding of TJJJ's reporting requirements.
- (2) The data coordinator must complete training related to data reporting provided by ~~the~~ TJJJ as required. ~~needed~~.

(b) Duties.

- (1) The data coordinator is responsible for ensuring that all data submitted to ~~the~~ TJJJ by the juvenile probation department is accurate, timely, and consistent with TJJJ's reporting requirements.
- (2) The data coordinator must ensure that the TJJJ EDI Extract is submitted to TJJJ ~~received~~ on or before the applicable due date.

§341.60249 TJJJ EDI Extract

Effective Date: 1/1/17 ~~4/1/14~~

- (a) The TJJJ EDI Extract must be sent to ~~the~~ TJJJ electronically. ~~via the Internet~~.
- (b) The extract is due to ~~the~~ TJJJ no later than the tenth calendar day of each month following the reporting period.
- (c) The TJJJ EDI Extract data must include all data fields required by the EDI Specifications.
- (d) TJJJ staff must discuss any proposed changes to the specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications. ~~to minimize any disruption and/or resource issues that may be associated with the changes.~~

§341.60450 Accuracy of Data

Effective Date: 1/1/17 ~~4/1/14~~

- (a) ~~**Required Fields**~~—The juvenile probation department must fill in all applicable data fields for each referral in the department's case management system ~~to minimize missing information~~.
- (b) ~~**Monthly Edit**~~—The juvenile probation department must run the Comprehensive Folder Edit or SRSXEdit on a monthly basis.
- (c) ~~**Errors**~~—Errors detected by the Comprehensive Folder Edit must be corrected prior to the next submission of the EDI Extract.
- (d) Errors detected by ~~a~~ TJJJ ~~monitoring visit or the TJJJ Research and Planning Division upon analysis~~ must be corrected prior to the a-date provided by TJJJ.

§341.60651 Security of Data

Effective Date: 1/1/17 ~~4/1/14~~

~~(a)~~ **Passwords**.

- (a1) Each user of the juvenile probation department's case management system must obtain a password to the system. Passwords must not be shared with department employees or other persons.
- (b2) The juvenile probation ~~Each~~ department must limit the number of employees who are authorized to delete information in the department's case management system.

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- ~~(c3)~~ Access to the department's case management system must be removed concurrent with the termination of a user's employment.
- ~~(b)~~ **Backup and Restoration.**
- ~~(d)~~ A ~~The~~ juvenile probation department that does not use the Juvenile Case Management System (JCMS) must:
- ~~(1)~~ establish ~~adopt~~ and follow a written policy for backup and restoration procedures relating to data in its ~~their~~ case management system; ~~and~~.
 - ~~(2e)~~ maintain an off-site **Off-Site Storage**. ~~The juvenile probation department must store a system backup storage system. off-site to be accessible in case of a disaster at the department (e.g., fire, tornado, etc.).~~

Subchapter GJ Restraints

§341.65 Definitions

Effective Date: 4/1/14

The following words and terms, when used in this subchapter, 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 must be approved for use by TJJD 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 must be approved by TJJD and adopted by the juvenile board. The following are TJJD-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 that may be secured to a waist belt.
- ~~(3)~~ **Restraints**—Physical or mechanical restraint.

§341.700 Applicability

Effective Date: 1/1/17

This subchapter applies only to juveniles who are not residents of a juvenile pre-adjudication secure detention facility, a juvenile post-adjudication secure correctional facility, or a non-secure juvenile correctional facility.

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§341.70266 Requirements

Effective Date: 1/1/17

(a) The use of restraints is governed by the following criteria:

- (1) Personal restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of the approved personal restraint technique.
- ~~(2) prior to participating in any restraint, juvenile probation officers must be:~~
 - ~~(A) certified in the use of the approved physical restraint technique; and~~
 - ~~(B) trained in the use of all approved mechanical restraint devices;~~
- (2) Mechanical restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of all approved mechanical restraint devices.
- (3) Except during routine transportation or when a juvenile probation officer takes a juvenile into custody under Texas Family Code §52.01 or §52.015, restraints ~~restraints~~ may be used only in instances of threat of imminent or active:
 - (A) self-injury;
 - (B) injury to others; or
 - (C) serious property damage.
- (4) Restraints ~~restraints~~ may only be used only as a last resort.
- (5) Only ~~only~~ the amount of force and type of restraint necessary to control the situation may be used.
- (6) Restraints ~~restraints~~ must be implemented in such a way as to protect the health and safety of the juvenile and others. ~~and~~
- (7) Restraints ~~restraints~~ must be terminated as soon as the juvenile's behavior no longer indicates an that the threat of imminent threat of self-injury, injury to others, or serious property damage, except during routine transportation or when a juvenile probation officer takes a juvenile into custody. ~~has subsided.~~

§341.70467 Prohibitions

Effective Date: 1/1/17/4/14

Restraints that employ a technique listed in this section 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 opportunities ~~privileges~~, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile in a prone or supine position face down ~~face down~~ with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile in a prone or supine position face down ~~face down~~ with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile's mouth or nose or around the juvenile's neck;
- (7) restraints that interfere with ~~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.

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§341.705 Transport Personnel

Effective Date: 1/1/17

Transport personnel must maintain current certification in the following topics:

- (1) cardiopulmonary resuscitation (CPR);
- (2) first aid; and
- (3) a personal restraint technique approved by TJJD.

§341.70668 Documentation

Effective Date: 1/1/17

(a) Documentation. ~~Except as provided by §341.71(a) of this chapter, all restraints~~ Restraints must be fully documented and the documentation must be maintained, except as noted in subsection (b) of this section. Written documentation regarding the use of restraints must include, at a minimum:

- (1) name of the juvenile;
- (2) name(s) and title(s) of each staff member ~~members~~ who administered the restraint;
- (3) narrative description of the restraint event from each staff member who participated in the restraint;
- (4) ~~date of the restraint;~~
- (5) duration of each type of the restraint (e.g., personal or mechanical), including notation of the time each type of the restraint began and ended;
- (6) ~~location of the restraint;~~
- (7) ~~description of preceding activities;~~
- (8) events and behavior that prompted the initial restraint and any continued restraint;
- (9) ~~type of restraint applied;~~
- (10) de-escalation efforts and restraint alternatives attempted; efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (11) type of restraint(s) applied, including, as applicable:
 - (A) the specific type of personal restraint hold applied; and
 - (B) the type of mechanical restraint device(s) applied; and
- (12) any injury that occurred during the restraint.

(b) The following events are not required to be documented as a restraint, except as noted in subsection (c) of this section:

- (1) using mechanical restraints during routine transportation; and
- (2) a juvenile probation officer taking a juvenile into custody under Texas Family Code §52.01 or §52.015.

(c) The exception in subsection (b) of this section does not apply when:

- (1) the juvenile's cooperation is compelled through the use of a personal restraint; or
- (2) the juvenile receives an injury in relation to the restraint event or restraint devices.

§341.70869 Personal Physical Restraint

Effective Date: 1/1/17

(a) A juvenile probation department may not use a personal restraint technique before it has been approved for use by TJJD.

(b) In addition to the requirements in §§341.66, 341.67, and 341.68 of this chapter, juvenile probation officers Staff members who are authorized to use personal restraints must be retrained re-certified in the approved

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~~personal physical~~ restraint technique in accordance with the requirements of the technique or at least once every 365 calendar days, whichever time frame is shorter. ~~two years.~~

§341.71070 Mechanical Restraint

Effective Date: 1/1/17~~4/1/14~~

~~In addition to the requirements in §§341.66, 341.67, and 341.68 of this chapter, the~~ The use of mechanical restraints ~~restraint~~ is governed by the following criteria.:

(1) Requirements.

- (A) Only approved mechanical restraint devices may be used by the juvenile probation department.
- (~~B~~A) Mechanical restraints must ~~only~~ be used only in a manner consistent with their intended use.
- (~~C~~B) Mechanical restraint devices must be inspected at least once each year, no later than the last day of the calendar month of the previous year's inspection. The dates of the inspections must be documented. There must be provisions for the inspection and maintenance of mechanical restraint devices.
- (D) Faulty or malfunctioning devices must be restricted from use until they are repaired. Any maintenance performed must adhere to the manufacturer's guidelines.

(2) Prohibitions.

- (A) Mechanical restraint devices ~~may must~~ not be altered from the manufacturer's design.
- (B) A juvenile ~~may must~~ not be placed in a prone position 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 ~~may must~~ not be used to secure a juvenile in a prone, supine, or lateral position with the juvenile's arms ~~and and/or~~ hands behind his/her back and secured to his/her legs.
- (D) Mechanical restraint devices ~~may must~~ not be secured so tightly as to interfere with circulation ~~or not~~ so loosely as to cause chafing of the skin.
- (E) Mechanical restraint devices ~~may must~~ not be used to secure a juvenile secured to a stationary object.
- (F) A juvenile in mechanical restraints ~~may must~~ not participate in any physical activity.
- (G) Plastic cuffs may be used only in emergency situations.

§341.71274 Transporting

Effective Date: 1/1/17~~4/1/14~~

- (~~a~~) ~~Using mechanical restraints during routine transportation in a vehicle and the taking of a juvenile into custody are not required to be documented as a restraint.~~
- (~~a~~b) During transportation in a vehicle, ~~a the~~ juvenile may not be affixed to any part of the vehicle.
- (~~b~~e) During transportation in a vehicle, a juvenile may not be secured to another juvenile.

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Subchapter **HK** Carrying of Weapons

§341.80 Definitions

Effective Date: 4/1/14

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

- ~~(1) **Draw**—To unholster a weapon in preparation for use against a perceived threat.~~
- ~~(2) **Empty-Hand Defense**—Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.~~
- ~~(3) **Intermediate Weapons**—Weapons designed to neutralize or temporarily incapacitate an assailant. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient for escaping from a physical confrontation. For the purposes of this subchapter, intermediate weapons include only electronic restraint devices, irritants, and impact weapons.~~
- ~~(4) **On-Duty**—An officer is engaged in the actual discharge of the officer's duties when the officer is within the course and scope of his/her employment and is actually authorized to engage in the work being performed. Being on-call is not considered as being engaged in the actual discharge of the officer's duties unless or until the officer is actually called into service.~~

§341.80081 Applicability and Authorization

Effective Date: 1/1/17/4/14

- (a) **Applicability.** This subchapter applies only to actively certified juvenile probation officers who are authorized to carry ~~a firearms~~ under pursuant to this subchapter.
- (b) **Authorization to Carry a Firearm.**
 - (1) In accordance with §142.006 of the Texas Human Resources Code, a juvenile probation officer is authorized to carry a firearm during the course of the officer's official duties if:
 - (A) the juvenile probation officer has been employed for at least one year by the juvenile probation department described in subparagraph (B) of this paragraph;
 - (B) the chief ~~administrative juvenile probation~~ officer of the juvenile probation department that employs the juvenile probation officer authorizes the juvenile probation officer to carry a firearm in the course of the officer's official duties; and
 - (C) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement (TCOLE) under §1701.259 of the Texas Occupations Code; and
 - ~~(2D)~~ A the juvenile probation officer is disqualified from being authorized to carry a firearm during the course of the officer's official duties if the officer has not been found to be designated a designated perpetrator in a TJJD abuse, neglect, or exploitation investigation, unless that designation has been overturned.
 - ~~(32)~~ In accordance with §221.35 of this title, a juvenile probation officer must successfully complete TCOLE's current firearms training program for juvenile probation officers to be authorized to carry a firearm in the course of the officer's official duties.
 - ~~(3)~~ This subchapter does not authorize a juvenile probation officer to carry a firearm while not on duty.
 - (4) A license to carry a handgun obtained under Chapter 411, Subchapter H, of the Texas Government Code (i.e., Concealed Handgun License), does not enable a certified juvenile probation officer to carry

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a firearm in the course of the officer's official duties and does not satisfy, and may not be accepted in lieu of, the requirements ~~contained~~ in this subchapter.

§341.80282 Documentation Requirements

Effective Date: 1/1/174/14

- (a) **Documents Required ~~After after~~ Obtaining an Initial Firearms Proficiency Certificate.** Within 30 calendar days five workdays after ~~receiving obtaining~~ the initial firearms proficiency certificate from TCOLE, the chief ~~administrative juvenile probation officer or the supervising officer of the juvenile probation officer who received the certificate~~ must ~~ensure provide~~ the following documents are provided to TJJD:
- (1) a copy of the Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE; and
 - (2) a completed, signed, and notarized copy of TJJD's Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form, including the following required attachments:
 - (A) appropriate documentation that the ~~juvenile probation officer applicant~~ has been subjected to a complete search of local, state, and national records to disclose any criminal record or criminal history;
 - (B) written documentation from each chief ~~administrative juvenile probation officer~~ who has authorized the ~~juvenile probation officer's applicant's~~ participation in the juvenile probation officer firearms proficiency training program that the ~~officer applicant~~ has been examined by a psychologist who was selected by the current employing department and who is licensed by the Texas State Board of Examiners of Psychologists;
 - (C) a written declaration from the examining psychologist that the ~~juvenile probation officer~~ possesses the requisite psychological and emotional health to carry a firearm in the course of the officer's official duties;
 - (D) documentation of successful completion of TCOLE's current firearms training program for juvenile probation officers;
 - (E) documentation of successful completion of the amount at least 20 hours of training specified by the department's policies and procedures in the following areas:
 - (i) use of an empty-hand defense tactic, as required by §341.84 of this chapter; and
 - (ii) use of an intermediate weapon; and
 - ~~(F) documentation of successful completion of adequate training in the use of at least one intermediate weapon, as required by §341.84 of this chapter.~~
 - (F) the department's current policies and procedures described in §341.808 of this title.
- (b) **Documents Required ~~After after~~ Obtaining Renewed Firearms Proficiency Certificate.** Within 30 calendar days five workdays after receiving a renewal of a firearms proficiency certificate from TCOLE, the chief ~~administrative juvenile probation officer or the supervising officer of the juvenile probation officer who receives the certificate~~ must ~~ensure provide~~ the following documents are provided to TJJD:
- (1) a copy of the renewed Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE;
 - (2) a completed, signed, and notarized copy of TJJD's Renewal of Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form; ~~and~~
 - (3) ~~documentation verification~~ of successful completion of the amount 20 hours of continuing education specified by the department's policies and procedures relating to the use of a firearm, intermediate weapon, and empty-hand defense tactic; and , as required in §341.89 of this chapter.
 - (4) the department's current policies and procedures described in §341.808 of this title.

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§341.80483 Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm

Effective Date: 1/1/17~~4/1/14~~

A juvenile probation officer who is authorized to carry a firearm in accordance with this subchapter must:

- (1) comply with the requirements of this subchapter, the officer's department policies and procedures, and the laws of this ~~state~~ State and of the United States;
- (2) be knowledgeable of the places where firearms or other weapons are prohibited;
- (3) immediately report to the chief ~~administrative juvenile probation~~ officer and TJJJ if the officer is arrested for, charged with, or convicted of any criminal offense;
- (4) comply with all training, firearms proficiency, and certification requirements in of §221.35 of this title;
- (5) maintain the firearm and all ~~other~~ authorized intermediate weapons in proper working order at all times;
- (6) be responsible for the safe handling of the firearm and all ~~other~~ authorized intermediate weapons; and
- (7) store the firearm and all authorized intermediate ~~other~~ weapons in a secure, locked location designed for secure storage of a weapon when the firearm or other weapon is not on the officer's person.

§341.84 Use of Force Continuum

Effective Date: 4/1/14

- ~~(a) A juvenile probation officer who satisfies the requirements of this subchapter is justified in using force for the protection of persons pursuant to Chapter 9 of the Texas Penal Code.~~
- ~~(b) Prior to carrying a firearm in the course of the officer's duties, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter must:~~
- ~~(1) receive at least 20 hours of training in the use of an empty-hand defense tactic; and~~
 - ~~(2) receive adequate training in the use of at least one intermediate weapon.~~
- ~~(c) A juvenile probation officer who is authorized to carry a firearm must carry at least one intermediate weapon at all times when the officer carries a firearm.~~

§341.80685 Responsibilities of Chief Administrative Juvenile Probation Officers or Other Supervising Officers Officer

Effective Date: 1/1/17~~4/1/14~~

- ~~(a) The chief juvenile probation officer or the supervising officer of a juvenile probation officer who is authorized to carry a firearm is subject to the same requirements as an officer authorized to carry a firearm in accordance with this subchapter. This requirement does not mandate the chief juvenile probation officer or other supervising officer carry a firearm or other weapon in the course of their duties.~~
- ~~(ab) The chief administrative juvenile probation officer or his/her designee must notify TCOLE and TJJJ within 24 hours if:~~
- ~~(1) the department rescinds its authorization for a juvenile probation officer to carry a firearm; or,~~
 - ~~(2e) The chief juvenile probation officer or his/her designee must submit the requisite forms to TCOLE and TJJJ within 24 hours if an officer who is authorized to carry a firearm separates from the department.~~
- ~~(d) The chief juvenile probation officer or his/her designee must submit to TJJJ the department's approved policies and procedures regarding a juvenile probation officer's authorization to carry a firearm in accordance with this subchapter.~~
- ~~(be) The chief juvenile probation officer or his/her designee must conduct an An internal investigation must be conducted for in all incidents in which a juvenile probation officer, during the course of his/her official duties:~~

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- (1) ~~uses an empty-hand defense tactic in an incident involving another person;~~
 - (2) ~~draws or uses an intermediate weapon in an incident involving another person;~~ or
 - (3) ~~draws or discharges a firearm in any incident.~~
- (c) ~~The investigation described in subsection (b) of this section must be conducted by:~~
- (1) ~~the chief administrative officer or his/her designee; or~~
 - (2) ~~the juvenile board or the board's designee in cases where the chief administrative officer is the subject of the investigation.~~
- (d) ~~A juvenile probation officer. The chief juvenile probation officer or his/her designee must be immediately placed on administrative leave or reassigned to a position having no contact with juveniles or the relatives of a juvenile involved in the incident if the juvenile probation officer, while in the course of his/her official duties: the juveniles if the officer uses an empty-hand defense tactic, uses or draws an intermediate weapon, or draws or discharges a firearm.~~
- (1) ~~draws or uses an intermediate weapon in an incident involving another person; or~~
 - (2) ~~draws or discharges a firearm in any incident.~~
- (e) ~~The administrative leave or reassignment described in subsection (d) of this section must remain in effect until the conclusion of the internal investigation.~~
- (f) ~~The chief administrative officer must ensure that TJJD is notified if an officer who is authorized to carry a firearm is arrested for, charged with, or convicted of any criminal offense. This notification is required within 24 hours after the chief administrative officer learns of the arrest, charge, or conviction.~~

§341.80886 Written Policies and Procedures

Effective Date: 1/1/17/4/14

Each ~~chief juvenile probation department that employs officer who authorizes~~ a juvenile probation officer who is authorized to carry a firearm in accordance with the requirements ~~contained~~ in this subchapter must maintain and implement ~~have~~ written policies and procedures that:

- (1) define which juvenile probation officers within the department are authorized to carry firearms;
- (2) specify the amount of required training hours in the following areas before a juvenile probation officer may carry a firearm in the course of the officer's duties:
 - (A) use of an empty-hand defense tactic; and
 - (B) use of at least one intermediate weapon;
- (3) specify the amount of continuing education hours required every two years for an officer to continue to carry a firearm in the course of the officer's duties;
- (4) require continuing education hours to be in areas that enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense tactics, and intermediate weapons in the context of self-defense and defense of third parties, including the following topics, at a minimum:
 - (A) use of force;
 - (B) weapons retention; and
 - (C) crisis intervention;
- (5) specify the duties and training requirements of the chief administrative officer or the direct supervisor of a juvenile probation officer in cases where the following circumstances exist:
 - (A) a juvenile probation officer is authorized to carry a firearm in the course of his/her official duties; and

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- ~~(B) the direct supervisor of the juvenile probation officer does not carry a firearm in the course of his/her official duties;~~
- ~~(6) require all training described in this section to be received from a TCOLE-certified instructor;~~
- ~~(72) state whether ~~the firearms and intermediate weapons are~~ to be purchased and maintained by the department or the individual officer;~~
- ~~(83) require that the firearm and ~~all other authorized intermediate~~ weapons remain under the control of the officer authorized to carry the firearm and weapon(s);~~
- ~~(94) specify whether the firearm must ~~require that the firearm~~ be fully loaded when carried or worn when the officer is in the course of his/her official duties; on-duty;~~
- ~~(105) specify how ~~require that the officer display~~ credentials identifying the officer as a certified juvenile probation officer must be carried and/or displayed while the officer is carrying a firearm in accordance with this subchapter;~~
- ~~(116) describe the circumstances and limitations under which the officer is justified to use force, which must be consistent with (i.e., self-defense and defense of a third party pursuant to Chapter 9 of the Texas Penal Code);~~
- ~~(127) specify the firearms to be carried, including the type of firearm, manufacturer, model, and caliber;~~
- ~~(138) specify the type of ammunition authorized for use in the firearm;~~
- ~~(14) specify the type(s) of intermediate weapons to be used;~~
- ~~(159) state whether the firearm must be carried in plain view or concealed and the manner in which it must be worn or carried;~~
- ~~(10) require that the firearm be encased in an appropriate holster and be worn or carried in a manner that is appropriate to the situation;~~
- ~~(1614) require documentation of each incident in which a juvenile probation officer, while in the course of his/her official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm; define the process for reporting and investigating use of force incidents;~~
- ~~(17) require the officer to carry an intermediate weapon at all times while the officer is carrying a firearm;~~
- ~~(18) specify the manner in which the intermediate weapon(s) must be carried;~~
- ~~(1942) define the process for rescinding or suspending the authorization to carry a firearm;~~
- ~~(2043) prohibit the consumption of alcohol while carrying a firearm or intermediate weapon;~~
- ~~(2144) define the process for conducting an internal investigation when required by §341.806(b) of this title; and of each incident involving a juvenile in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses an intermediate weapon, or draws or discharges a firearm; and~~
- ~~(2245) require that a juvenile probation officer be placed on administrative leave or be reassigned to a position having no contact with juveniles or relatives of the juvenile involved in the incident when required by §341.806(d) of this title. juveniles until the conclusion of an internal investigation as required in paragraph (14) of this section.~~

§341.81087 Reporting and Investigating Use of Force Incidents to TJJJ and Law Enforcement

Effective Date: 1/1/174/1/4

- (a) The chief ~~administrative juvenile probation~~ officer or his/her designee must report to TJJJ each incident ~~involving a juvenile~~ in which a juvenile probation officer, during the course of his/her official duties:
 - ~~(1) uses an empty-hand defense tactic in an incident involving another person;~~
 - ~~(2) draws or uses an intermediate weapon in an incident involving another person; or~~

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- ~~(3)~~ draws or discharges a firearm in any incident.
- ~~(b4)~~ The initial report must be made to TJJD immediately, but no later than four hours after the conclusion time of the use of force incident.
- ~~(c2)~~ The initial report must be made using the toll-free number ~~as~~ designated by TJJD.
- ~~(d3)~~ Within 24 hours after the report by phone, the Juvenile Probation Officer Use of Force Incident Report form must be submitted to TJJD via fax or e-mail.
- ~~(eb)~~ The chief administrative juvenile probation officer or his/her designee must report to local law enforcement any discharge of a firearm by a juvenile probation officer immediately, but no later than one hour after the time of discharge.

§341.81288 Records

Effective Date: ~~1/1/17~~4/4

- (a) The personnel file of each juvenile probation officer authorized to carry a firearm in accordance with this subchapter must contain a copy of the:
 - ~~(1) — Firearms Proficiency for Juvenile Probation Officers Application;~~
 - ~~(12)~~ PID Assignment (TCOLE C-1 form);
 - ~~(23)~~ results of criminal history checks conducted pursuant to the requirements of this subchapter;
 - ~~(34)~~ Licensee Psychological and Emotional Health Declaration (TCOLE L-3 form);
 - ~~(45)~~ proof of annual firearms proficiency; ~~and~~
 - ~~(56)~~ verification of successful completion of TCOLE's ~~current~~ firearms training program for juvenile probation officers; ~~and~~.
 - ~~(6)~~ acknowledgment that the officer has reviewed the department's current policies and procedures specified in §341.808 of this title.
- (b) Juvenile probation departments must allow TCOLE, other law enforcement agencies, and TJJD access to records pertaining to firearms and use of force incidents for monitoring, auditing and investigation purposes.

§341.89 Training and Qualification Requirements

Effective Date: 4/1/14

- ~~(a) — A juvenile probation officer may not be authorized to carry a firearm in the course of his/her duties unless the officer has:~~
 - ~~(1) — completed TCOLE's current firearms training program for juvenile probation officers;~~
 - ~~(2) — received a certificate of firearms proficiency from TCOLE as provided in §221.1 of this title; and~~
 - ~~(3) — completed the training requirements in accordance with §341.84 of this chapter.~~
- ~~(b) — All training received pursuant to the requirements of this subchapter must be received from a TCOLE-approved instructor.~~
- ~~(c) — All training received pursuant to the requirements of this subchapter must be designed with the intent to prepare juvenile probation officers to carry and use firearms, intermediate weapons, and empty-hand defense tactics in the context of self-defense and in defense of a third party.~~
- ~~(d) — In addition to the training requirements contained in Chapter 344 of this title relating to maintaining an active certification as a juvenile probation officer, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter must successfully complete 20 hours of continuing education every two years. The continuing education must be specially designed to enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense, and an intermediate weapon as authorized by this subchapter. The training must include, but not be limited to:~~
 - ~~(1) — use of force;~~

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~~(2) — weapons retention; and~~

~~(3) — crisis intervention.~~

~~(e) — Upon completion of each training requirement, the chief juvenile probation officer or his/her designee must submit proof of the successful completion of the training to TJJD within five workdays after completion of the training.~~

§341.90 — Disqualifying Conduct

Effective Date: 4/1/14

~~Pursuant to §142.006(b) of the Texas Human Resources Code, a juvenile probation officer is disqualified from seeking authorization to carry a firearm if the officer has been named as a designated or sustained perpetrator in a TJJD abuse, neglect, or exploitation investigation.~~

§341.91 — Prohibited Conduct

Effective Date: 3/1/11

~~A certified juvenile probation officer authorized to carry a firearm during the course of the officer's official duties is strictly prohibited from engaging in the following conduct:~~

~~(1) — firing warning shots;~~

~~(2) — shooting at fleeing vehicles; and~~

~~(3) — using a striking weapon as an intermediate weapon.~~