



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Shandra Carter, Executive Director
Cameron Taylor, Senior Strategic Advisor

Subject: Discussion, consideration, and possible approval to publish the results of rule review for 37 TAC Chapter 380, Subchapter A, in the *Texas Register*

Date: November 3, 2023

Before the Board for consideration are the results of rule review undertaken for 37 TAC Chapter 380, Subchapter A.

TJJJ staff has determined the original reasons for adopting the following rules continue to exist and the rules should be readopted:

- §380.8501, Definitions
- §380.8502, Legal Requirements for Admission
- §380.8505, Initial Assessment
- §380.8521, Facility Assignment System
- §380.8524, Assessment for Safe Housing Placement
- §380.8525, Minimum Length of Stay/Minimum Period of Confinement
- §380.8527, Program Restriction Levels
- §380.8531, Temporary Admission Awaiting Transportation
- §380.8533, Temporary Admission Awaiting Permanent Placement
- §380.8535, Undocumented Foreign Nationals
- §380.8539, Home Placement
- §380.8545, Movement before Program Completion
- §380.8555, Program Completion for Non-Sentenced Offenders
- §380.8557, Release Review Panel
- §380.8559, Program Completion for Youth with Determinate Sentences
- §380.8565, Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence
- §380.8569, Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder

- §380.8581, Supervision Levels in Parole Home Placement
- §380.8583, Financial Support for Reentry
- §380.8595, Parole Completion and Discharge

In addition, TJJ staff has determined the original reasons for adopting the following rule continue to exist, the rule should be readopted, and the rule is identified for future rulemaking action for necessary revisions:

- §380.8503, Intake and Admission Process

The board's approval to publish the results of rule review in the *Texas Register* is requested.

Attached to this memo please find a resolution for board action.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 3/1/19 Page: 1 of 2 Replaces: GAP.380.8503, 4/1/14
Subchapter: Admission, Placement, Release, and Discharge	
Division: Commitment and Reception	
Rule: Intake and Admission Process	
Statutes: N/A	

RULE

(a) **Purpose.**

This rule establishes the process for receiving youth into the custody of the Texas Juvenile Justice Department (TJJD).

(b) **Intake and Admission Process.**

- (1) The TJJD orientation and assessment unit performs all intake activities, including receipt of the youth from the committing county.
- (2) The orientation and assessment unit receives youth between 8:00 a.m. and 7:00 p.m., Monday through Friday.
- (3) Youth are not allowed to have personal possessions while at the orientation and assessment unit.
- (4) TJJD staff members perform the following admission procedures, at a minimum:
 - (A) search each youth in accordance with [§380.9709](#) of this title;
 - (B) inventory any personal possessions and return them to the county transporter;
 - (C) complete a body identification form;
 - (D) require the youth to shower, screen the youth for pediculosis, and provide treatment if indicated;
 - (E) complete an initial health screening;
 - (F) issue clothing;
 - (G) provide personal hygiene articles;
 - (H) photograph and fingerprint each youth;
 - (I) assign an official TJJD number;
 - (J) initiate sex offender registration with the Texas Department of Public Safety (DPS), if required; and
 - (K) take a blood sample from each youth for the DPS DNA database.
- (5) TJJD notifies each youth's parent/guardian in writing of:
 - (A) the youth's admission;
 - (B) TJJD's medical consent authority, as explained in [§380.9181](#) of this title;
 - (C) procedures for communicating with his/her child through mail, phone calls, and visits;
 - (D) the parent/guardian's rights as provided in the TJJD parent's bill of rights; and
 - (E) the following information:
 - (i) contraband money, as defined in [§380.9107](#) of this title, found in possession of a TJJD youth in a residential facility will be deposited in the student benefit fund;

- (ii) providing contraband to a TJJJ youth, including alcohol, drugs, tobacco, or a cellular phone, is a criminal offense and could be subject to prosecution; and
 - (iii) TJJJ may use the chemical agent oleoresin capsicum, also known as OC spray, as necessary under [§380.9723](#) of this title.
- (6) TJJJ provides orientation to youth about the TJJJ system, as required by [§380.9115](#) of this title, and documents the orientation.
 - (7) TJJJ provides youth with counseling services and academic instruction during the youth's stay at the orientation and assessment unit.
 - (8) Upon transportation of youth to their initial placements, TJJJ notifies the parent/guardian, parole officer, and others as needed of the initial placement location.

See [INS 11.01](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/19/23
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 3
Division: Definitions	Replaces: GAP.380.8501, 5/1/22
Rule: Definitions	

RULE

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

- (1) **Assessment Rating**--a score derived from evidence-based criminogenic factors in a youth's history used to assess the danger a youth poses to the community.
- (2) **Committing Offense**--the most serious of the relevant offenses found at the youth's commitment proceeding and any probated offense(s) modified by the commitment order. If a committing offense is a violation of a federal statute, the offense will be treated as a violation of a state statute which prohibits the same conduct as the relevant federal offense.
- (3) **Community Reentry/Transition Plan**--an individual case plan that includes conditions of parole or placement for youth who are moving to a less restrictive environment. The community reentry/transition plan summarizes the youth's progress, identifies risk factors and protective factors, provides referrals to community services and supports, and identifies objectives for the youth to complete at the next placement.
- (4) **Conditional Placement**--a trial living arrangement at a lower restriction level without changing the youth's currently assigned placement. Conditional placements may be to medium-restriction facilities or approved home placements. Continued placement at the lower restriction level is dependent on meeting pre-established conditions.
- (5) **Determinate Sentence Review**--a review conducted for youth with determinate sentences who have not met program completion criteria in which staff determines the appropriate action (e.g., request a transfer hearing under [Section 54.11, Family Code](#), transfer to TDCJ parole).
- (6) **Discharge**--an action that ends the jurisdiction of the Texas Juvenile Justice Department (TJJD) over a youth.
- (7) **Final Decision Authority**--the TJJD executive director or a staff member designated by the executive director in writing (e.g., via operational manual, administrative directive).
- (8) **High Restriction and Medium Restriction**--see definitions in [§380.8527 of this chapter](#).
- (9) **Home Placement**--a placement in the home of the parent, other relative or individual acting in the role of parent, managing conservator, or guardian or in an independent living arrangement (excluding contract independent living programs).
- (10) **Home Substitute Placement**--a program placement in the community that is not high restriction for youth who have earned parole status.
- (11) **Initial Placement**--a placement to which youth are assigned upon being committed to TJJD. This definition does not include a youth's placement at the orientation and assessment unit.
- (12) **Minimum Length of Stay**--the predetermined minimum period of time established by TJJD that a youth will be assigned to live in a high- or medium-restriction placement before being placed on parole status.

- (13) **Minimum Period of Confinement**--the predetermined minimum period of time established by law that a youth committed to TJJJ on a determinate sentence must remain confined in a high-restriction placement.
- (14) **Most Serious of the Relevant Offenses**--the offense that carries the most severe consequences, which are, from most to least severe:
- (A) an offense which carries a determinate sentence;
 - (B) the offense for which the designated minimum length of stay will produce the longest time in the physical custody of TJJJ;
 - (C) the offense which requires the highest facility restriction level;
 - (D) the offense which carries the most severe criminal penalty; and
 - (E) the most recently adjudicated offense.
- (15) **Non-Sentenced Offender**--a youth who is committed to TJJJ for an indeterminate period of time, not to exceed age 19.
- (16) **Offense Severity**--a rating of high, moderate, or low based on the degree of the committing or revocation offense as defined by the Penal Code or relevant federal statute and any of the following applicable aggravating factors:
- (A) sex offense as identified in [Section 62.001, Code of Criminal Procedure](#);
 - (B) felony against a person;
 - (C) possession or use of a weapon or firearm during the commission of the committing offense.
- (17) **Parole Status**--a status assigned to a youth when program completion criteria have been met or the Release Review Panel has ordered the youth's release under supervision. Parole status qualifies the youth for placement in the home or a home substitute and ensures that the youth may not be moved to a high-restriction placement without the highest level of due process afforded to TJJJ youth.
- (18) **Program Completion Criteria**--specific requirements established by rule that entitle a youth to parole when met.
- (19) **Program Completion Review**--a review in which staff determines whether a youth appears to meet program completion criteria.
- (20) **Release under Supervision (or Release)**--the act of placing a youth on parole status under TJJJ supervision.
- (21) **Revocation Offense**--the offense on which a youth's minimum length of stay is based following a parole revocation hearing. It is the most serious of the relevant offenses found at the hearing.
- (22) **Risk and Protective Factors**--risk factors are aspects of a youth's environment, behavior, and mental processes that contribute to potential for further delinquent activity. Protective factors are positive aspects of individual youth situations that keep a youth away from delinquent activity.
- (23) **Risk Level**--a level derived from the risk assessment tool used to assess the danger a youth poses to the community.
- (24) **Sentenced Offender**--a youth committed to TJJJ pursuant to [Section 54.04\(d\)\(3\)](#) or [Section 54.05\(f\)](#), Family Code, with a fixed sentence assigned by the committing court. Depending on the length of the sentence, a youth may be transferred to the Texas Department of Criminal Justice (TDCJ) to complete the sentence.
- (25) **Transfer**--a movement of a sentenced offender to the TDCJ - Correctional Institutions Division or TDCJ - Parole Division.

- (26) **Transition**--the act of moving a youth from a high-restriction facility to a medium-restriction facility based on the youth's progress in the rehabilitation program. Transition does not result in the youth being placed on parole status.
- (27) **Transition Review**--a review in which staff determines whether a youth meets criteria for transition under [§380.8545 of this chapter](#).
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Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Commitment and Reception Rule: Legal Requirements for Admission ACA: 4-JCF-3A-21 Statute(s): HR Code §243.005	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8502, 9/1/09
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RULE

- (a) The purpose of this rule is to establish documentation required and requested by the Texas Juvenile Justice Department (TJJD) from each juvenile court committing youth to TJJD.
 - (b) The committing court must submit all documents referenced in Texas Human Resources Code [§243.005](#).
 - (c) TJJD requests the following additional documents from the committing court:
 - (1) detention order(s) (initial and subsequent) for offense(s) that resulted in commitment to TJJD;
 - (2) for sentenced offenders, the amount of time spent in detention in connection with the offense for which the youth was sentenced. It is preferable for the detention information to be included in the Order of Commitment; and
 - (3) education records, including any special education records.
 - (d) No youth, under any circumstance, will be admitted to TJJD without immunization records (except for undocumented foreign national) and a certified copy of the order of commitment. All other documents may be received after admission.
 - (e) Before TJJD admits the youth, TJJD intake staff will review the commitment order to determine if, on its face, it meets all requirements for a proper commitment. TJJD will not look beyond the document itself for determining whether a commitment is proper.
 - (f) Upon a youth's acceptance to TJJD, TJJD will issue a written receipt to the entity delivering the youth.
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Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Commitment and Reception Rule: Initial Assessment Statutes: Human Resources Code §244.001	Effective Date: 12/1/17 Page: 1 of 2 Replaces: GAP.380.8505, 4/1/14
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RULE

(a) **Purpose.**

This rule establishes the assessment process for each youth initially admitted to the Texas Juvenile Justice Department (TJJD).

(b) **General Provisions.**

- (1) Assessments are used to identify:
 - (A) immediate safety, medical, mental health, and housing needs;
 - (B) specialized treatment needs;
 - (C) case planning issues, including individual risk and protective factors; and
 - (D) risk and restriction level for initial placement.
- (2) The assessment process is designed to be completed within 21 calendar days after the youth's arrival at the Orientation and Assessment Unit.
- (3) Treatment and case planning activities initiated at the Orientation and Assessment Unit focus on the youth's long-term needs and eventual re-entry into the community.

(c) **Assessments Completed prior to Dormitory Placement.**

Within 24 hours after admission and prior to assigning a youth to a dormitory in the Orientation and Assessment Unit, appropriate staff members conduct:

- (1) medical and mental health screenings, which include, at a minimum, a review of the youth's:
 - (A) suicide risk;
 - (B) medical history;
 - (C) substance abuse history;
 - (D) treatment history;
 - (E) psychiatric history;
 - (F) violent offense history; and
 - (G) sex offense history; and
- (2) a screening for risk to display sexually aggressive or assaultive behavior or to be sexually victimized; and
- (3) a safe-housing assessment in accordance with [§380.8524](#) of this title.

(d) **Assessments Completed within 21 Days after Admission.**

No later than 21 calendar days after a youth's admission to TJJD, appropriate staff members at the Orientation and Assessment Unit conduct additional assessments, including, but not limited to:

- (1) assessment of individual risk and protective factors;
- (2) religious preference assessment;

- (3) educational assessment;
- (4) workforce development needs and skills;
- (5) screening and assessment for substance use disorders;
- (6) assessment of need for specialized treatment;
- (7) assessment of behavior while at the Orientation and Assessment Unit;
- (8) comprehensive psychological evaluation, including review of prior treatment;
- (9) dental examination;
- (10) medical examination, including review of history and prior treatment; and
- (11) comprehensive psychiatric evaluation of the youth, including review of prior treatment, if:
 - (A) the youth is identified during admission as having a current prescription for psychotropic medication or as having been prescribed psychotropic medication at any time within the 60 days prior to admission;
 - (B) the youth's psychological evaluation shows the need for a psychiatric referral; or
 - (C) the youth has been assigned a minimum length of stay of 12 months or longer or the youth has been committed under a determinate sentence, unless TJJD receives the results of a comprehensive psychiatric evaluation of the youth conducted not more than 90 days prior to admission.

(e) **Treatment and Case Planning.**

- (1) A summary of assessment results and treatment needs is developed for each youth at the Orientation and Assessment Unit. This summary is used as a basis for placement decisions, in accordance with [§380.8521](#) of this title, and for development of the individual case plan, in accordance with [§380.8701](#) of this title.
- (2) For each youth assessed as having one or more specialized treatment needs, a specialized treatment plan is developed, reviewed, and re-evaluated in accordance with [§380.8751](#) of this title.

See [CMS Chapter 1](#), [CMS.02.29](#), [HSP.06.04](#), and [EDU Chapter 13](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/19/23
Subchapter: Admission, Placement, Release, and Discharge	
Division: Placement Planning	Page: 1 of 2
Rule: Facility Assignment System	Replaces: GAP.380.8521, 4/1/14
Statutes: HR Code §243.001	

RULE

(a) Purpose.

The purpose of this rule is to establish an objective system of assigning youth to the most appropriate facility considering the Texas Juvenile Justice Department's (TJJD's) responsibilities to provide for public protection and promotion of rehabilitation. TJJD seeks to place youth in the least restrictive setting possible to address the youth's treatment needs while considering public safety.

(b) General Provisions.

- (1) This rule applies to placement decisions made:
 - (A) after initial commitment or recommitment to TJJD; and
 - (B) following a parole revocation hearing.
- (2) Youth may be assigned to subsequent residential placements based on changing treatment needs, reduction in risk level, progress in rehabilitation programming, safety issues, or overpopulation concerns. For more information on transfers between facilities and transitions to less restrictive placements, see [§380.8545 of this chapter](#).
- (3) Placements described in this rule are limited to high- or medium-restriction facilities. For more information on facility restriction levels, see [§380.8527 of this chapter](#).

(c) Placement System Factors.

Placement decisions are based on factors including, but not limited to, those listed in paragraphs (1) – (4) of this subsection, with each factor given priority in the order listed.

- (1) **Gender**--Youth are generally assigned to male-only or female-only facilities. However, during orientation and assessment or to receive treatment for certain specialized treatment needs, youth may be assigned to co-educational facilities. Youth in co-educational facilities have equal access to agency programs and activities.
- (2) **Treatment Needs**--Of the facilities available for the youth's gender, youth are assigned to the facility that is best suited to meet the youth's individual treatment needs. Youth with the highest need for any of the following specialized treatment services will be placed in a facility that provides those services: mental health, intellectual disability, sexual behavior, capital or serious violent offender, or substance use services. Whenever possible, youth with co-occurring specialized treatment needs are assigned to placements providing each indicated type of treatment. See [§380.8751 of this chapter](#) for more information on the assessment of specialized treatment needs. Age, medical needs, and intellectual impairment are also considered in determining an appropriate facility assignment.
- (3) **Risk Assessment**--Of the facilities available for the youth's gender and treatment needs, youth are assigned to a high- or medium-restriction facility based on an assessment of risk factors, such as offense history, age at first offense, past facility escapes, and other criminogenic factors.

(A) **Placement upon Initial Commitment or Recommitment to TJJD.**

- (i) Sentenced offenders are initially assigned to a high-restriction facility.
- (ii) Non-sentenced offenders with a committing offense of high severity are initially assigned to a high-restriction facility.
- (iii) Non-sentenced offenders with a committing offense of moderate severity who score in the high or medium category on the risk assessment are initially assigned to a high-restriction facility.
- (iv) Non-sentenced offenders with a committing offense of moderate severity who score in the lowest category on the risk assessment are initially assigned to a high- or medium-restriction facility, depending on the nature of the committing offense and other factors identified in this rule.
- (v) Non-sentenced offenders with a committing offense of low severity are initially assigned to a high- or medium-restriction facility, depending on the results of the risk assessment and other factors identified in this rule.

(B) **Placement after Level I Revocation Hearing.**

- (i) Following revocation as a result of a Level I due process hearing held in accordance with [§380.9551 of this chapter](#), non-sentenced offenders found to have engaged in felony-level conduct while on parole and all sentenced offenders are assigned to high-restriction facilities.
- (ii) Following revocation as a result of a Level I due process hearing held in accordance with §380.9551 of this chapter, non-sentenced offenders found to have violated conditions of parole that are not law violations or engaged in misdemeanor-level conduct are assigned to high- or medium-restriction facilities, depending on the results of the risk assessment and other factors identified in this rule.

- (4) **Proximity to Home**--Of the facilities available for the youth's gender, treatment needs, and risk assessment, youth are assigned to the facility closest to the residence of the youth's parent/guardian. In cases where the closest placement is at or above established population capacity or specialized treatment population capacity, the youth may be assigned to another appropriate placement.

(d) **Waivers.**

Except for non-sentenced offenders with a committing offense of high severity and sentenced offenders, the facility restriction level required under this rule may be waived by the executive director or designee. A designated restriction level may be waived in order to meet a youth's specific treatment needs or when it is determined that a youth has a disability or special medical condition that would prevent the youth from functioning in the designated restriction level.

(e) **Parent Notification.**

Parents or guardians of youth are notified of placement assignments in accordance with [§380.8705 of this chapter](#).

(f) **Individual Exceptions.**

The executive director or designee may make exceptions to placement assignments under this rule on a case-by-case basis, taking into consideration a youth's specific treatment needs and public safety.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Placement Planning Rule: Assessment for Safe Housing Placement ACA: 4-JCF-3D-03, 5B-01, 5B-02, 5B-05 Statute(s): HR Code §243.001 ; 28 CFR §§115.341, 115.342	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8524, 8/1/09
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RULE

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) uses an objective system to assess the threat of harm posed by a youth to others and a youth’s potential vulnerabilities to make housing and supervision assignments.

(b) **Applicability.**

This rule applies to high and medium restriction TJJD-operated facilities.

(c) **Definitions.**

Safe Housing Assessment--an instrument designed to determine the appropriate housing assignment at a youth’s assigned facility and the level of supervision for an individual youth. The assessment considers factors including, but not limited to, the following:

- (1) evidence-based criminogenic factors in a youth’s history that indicate level of risk to others;
- (2) age and physical stature of youth;
- (3) potential vulnerability to sexual victimization or likelihood of sexually aggressive behavior;
- (4) gender non-conforming appearance or manner, or identification as lesbian, gay, bisexual, transgender, or intersex (LGBTI); and
- (5) special needs including medical needs, suicide risk, disabilities, mental health, or other placement concerns.

(d) **General Provisions.**

- (1) Each facility establishes a written housing plan that describes the housing levels allowed, staffing requirements, security level, and programming schedule of each housing unit.
- (2) TJJD conducts a safe housing assessment for each youth upon arrival at the orientation and assessment unit, prior to facility transfer, and at the initial permanent placement. Safe housing assessments are conducted at specified intervals thereafter, and may be conducted at any time as indicated by youth needs, serious incidents, or facility security needs.
- (3) Youth are assigned to housing units based on the results of the safe housing assessment. Placement within the housing unit may also be determined by the results of the safe housing assessment.
- (4) Unless it is determined necessary to ensure youth safety, a youth 14 years of age or younger may not be assigned to the same dormitory as a youth 17 years of age or older.
- (5) Male and female youths may not occupy the same sleeping room.
- (6) LGBTI youth must not be placed in a particular housing unit, bed, or other program assignment based solely on the basis of such identification or status.
- (7) Unless otherwise approved on a case-by-case basis by the division director over residential services or his/her designee, youth who have a reportable adjudication for a sex offense, as defined in [Chapter 62, Code of Criminal Procedure](#), are assigned to an open bay dorm with direct line-of-sight supervision or a single-occupant room.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Placement Planning Rule: Minimum Length of Stay/Minimum Period of Confinement ACA: 4-JCF-3A-24, 3A-25, 5B-01 Statute(s): HR Code §243.002 , §245.051(c)	Effective Date: 4/1/14 Page: 1 of 3 Replaces: GAP.380.8525, 11/1/11
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RULE

(a) **Purpose.**

This rule establishes a minimum period of time youth will spend in high or medium restriction facilities.

(b) **Applicability.**

(1) This policy applies only to:

- (A) youth committed to the Texas Juvenile Justice Department (TJJD) or Texas Youth Commission (a predecessor agency to TJJD) on or after February 1, 2009; and
- (B) youth whose parole is revoked on or after February 1, 2009, regardless of the commitment date.

(2) Youth who were committed to the Texas Youth Commission and/or whose parole was revoked prior to February 1, 2009, remain subject to provisions of this rule in effect at the time of the commitment or revocation.

(c) **Minimum Length of Stay.**

(1) **Minimum Length of Stay Assigned upon Commitment.**

The initial minimum length of stay applies only to non-sentenced offenders. The initial minimum length of stay is calculated based on the severity of the committing offense and an assessment of the danger the youth poses to the community.

- (A) Youth whose committing offense is of high severity are assigned the following minimum length of stay:
 - (i) 24 months, for youth with a high assessment rating;
 - (ii) 18 months, for youth with a medium assessment rating; or
 - (iii) 15 months, for youth with a low assessment rating.
- (B) Youth whose committing offense is of moderate severity are assigned the following minimum length of stay:
 - (i) 15 months, for youth with a high assessment rating;
 - (ii) 12 months, for youth with a medium assessment rating; or
 - (iii) 12 months, for youth with a low assessment rating.
- (C) Youth whose committing offense is of low severity are assigned the following minimum length of stay:
 - (i) 12 months, for youth with a high assessment rating;
 - (ii) 9 months, for youth with a medium assessment rating; or
 - (iii) 9 months, for youth with a low assessment rating.

(2) Minimum Length of Stay Assigned upon Parole Revocation.

- (A) Sentenced and non-sentenced offender youth whose parole is revoked are assigned the following minimum length of stay:
- (i) 9 months, for youth found to have engaged in felony level conduct;
 - (ii) 6 months, for youth found to have broken a federal, state, or other law that is not a felony grade offense; or
 - (iii) 3 months, for youth found to have violated a condition of parole that is not also a violation of law.
- (B) At the parole revocation hearing, the designated minimum length of stay may be reduced by the presiding staff attorney if extenuating circumstances to the offense are found.

(d) Minimum Period of Confinement.

The minimum period of confinement applies only to sentenced offenders. The minimum period of confinement is:

- (1) ten years for youth sentenced for capital murder;
- (2) three years for youth sentenced for an aggravated controlled substance felony or a felony of the first degree;
- (3) two years for a felony of the second degree; or
- (4) one year for a felony of the third degree.

(e) Creditable Time for Non-Sentenced Offenders.

- (1) When a youth is admitted, the minimum length of stay is counted from the first day the youth reaches any TJJJ-operated or assigned facility.
- (2) When a youth is recommitted, the minimum length of stay is counted from the first day the youth reaches any TJJJ-operated or assigned facility and runs concurrently with any incomplete minimum length-of-stay requirements.
 - (A) A youth who is recommitted for the same conduct following an appeal of the original commitment is given credit toward completion of the new minimum length of stay for any time spent in TJJJ custody as a result of the original commitment.
 - (B) A youth who is recommitted for the same conduct for which a Level I hearing has already been held is given credit toward completion of the new minimum length of stay for the time already served as a result of that hearing.
- (3) After the count begins, all time spent in program, on furlough as defined in [§380.8707](#) of this title, on a conditional placement, or in detention or jail (except as a disposition in a criminal case) is counted toward meeting a minimum length of stay requirement.
- (4) Time spent as an escapee from a TJJJ placement, in jail, or in a court-ordered placement in an adult correctional residential program as disposition in a criminal case is not counted toward meeting the minimum length-of-stay requirement.

(f) Creditable Time for Sentenced Offenders.

- (1) For sentenced offenders committed prior to June 9, 2007, the minimum period of confinement is counted from the first day a youth reaches any TJJJ residential facility.
- (2) For sentenced offenders committed on or after June 9, 2007, TJJJ applies any credit granted in the

commitment order toward completion of the minimum period of confinement. This type of credit is for time spent in a secure detention facility in connection with the committing case prior to admission to TJJD.

- (3) Regardless of the date of commitment:
- (A) once a youth reaches a TJJD facility and is credited with any applicable time in detention, only time spent in a TJJD residential facility is credited toward completion of the minimum period of confinement; and
 - (B) credit is granted toward completion of the sentence for time spent in a secure detention facility in connection with the committing case prior to admission to TJJD.

(g) **Multiple Commitments.**

(1) **Multiple Indeterminate Commitments.**

If a youth is committed to TJJD under more than one indeterminate commitment, a minimum length of stay is assigned for each commitment. The minimum lengths of stay will run concurrently.

(2) **Concurrent Indeterminate and Determinate Commitments.**

If a youth is committed to TJJD under determinate and indeterminate commitment orders, the minimum period of confinement and minimum length of stay will run concurrently.

- (A) The youth is managed as a sentenced offender until he/she is discharged from the determinate commitment.
- (B) If a youth completes the determinate sentence before he/she meets discharge criteria for the indeterminate commitment, the youth:
 - (i) is discharged from the determinate commitment; and
 - (ii) is:
 - (I) required to serve any remaining minimum length of stay associated with the indeterminate commitment; or
 - (II) referred to the Release Review Panel under [§380.8557](#) of this title if the minimum length of stay associated with the indeterminate commitment has already been completed.

(h) **Reductions to Minimum Length of Stay.**

- (1) The minimum length of stay requirement (1) may be reduced by the TJJD executive director or his/her designee when it is determined that the minimum length of stay is not justified because of the nature of the offense and offense history or when it is determined that the youth has made sufficient progress in treatment programs.
- (2) Upon a recommendation by the facility administrator, the division director over residential services or his/her designee may reduce a youth's minimum length of stay up to three months due to positive progress in treatment programs so long as the youth serves at least nine months in a residential placement.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Placement Planning Rule: Program Restriction Levels ACA: 4-JCF-5B-01 Statute(s): N/A	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8527, 6/21/99
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RULE

(a) **Purpose.**

The purpose of this rule is to categorize programs in which TJJD youth may be placed. The categories are based on a youth's access to the general community while in that program. The level of restriction assists TJJD staff in placing youth in the least restrictive, most appropriate placement available.

(b) **Definitions.**

As used in this rule, the following terms have the following meanings.

- (1) **Self-contained**--a 24-hour supervision program in which the treatment, training, and education program is conducted on the premises. A self-contained program does not allow routine, unsupervised access to the community, unless otherwise stated.
- (2) **Routine, Unsupervised Access to the Community**--a privilege offered by some programs whereby a youth may be absent from the program without staff supervision for 48 hours or more per month prior to the youth's last month in the program.

(c) **Restriction Levels.**

- (1) **High Restriction**--a facility that does not allow routine, unsupervised access to the community and is typically secured by a perimeter fence. For example:
 - (A) TJJD institutions;
 - (B) self-contained, residential contract placements; and
 - (C) state hospitals.
 - (2) **Medium Restriction**--any residential program that may provide routine, unsupervised access to the community. For example:
 - (A) TJJD halfway houses; and
 - (B) residential contract programs that are not self-contained (e.g., certain substance abuse programs, residential treatment centers, group homes, or organizational foster care).
 - (3) **Minimum Restriction**--any residential program that does not provide on-site supervision and allows routine access to the community (e.g., independent living preparation in a structured apartment setting).
 - (4) **Home**--the home of the parent, other relative, or individual acting in the role of parent, managing conservator, or guardian, or an independent living arrangement.
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Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Placement Planning Rule: Temporary Admission Awaiting Transportation ACA: N/A Statute(s): N/A	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8531, 4/1/05
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RULE

(a) **Purpose.**

The purpose of this rule is to provide for temporary admissions into Texas Juvenile Justice Department (TJJD) facilities for youth who are awaiting transportation.

(b) **General Provisions.**

- (1) A youth may be admitted to a TJJD-operated high restriction facility and held in the security unit for up to 48 hours when the youth's destination cannot be reached in a single day, including transportation:
 - (A) following a Level I or II hearing that results in transportation to another facility; or
 - (B) between facilities not resulting from disciplinary actions.
 - (2) Only the division director over residential services or his/her designee may approve a temporary admission awaiting transportation.
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Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, and Program Completion Division: Placement Planning Rule: Temporary Admission Awaiting Permanent Placement ACA: N/A Statute(s): N/A	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8575, 11/1/11
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RULE

(a) **Purpose.**

The purpose of this rule is to provide for temporary placement for a youth assigned to a home or home substitute whose placement is no longer valid or available but a new placement has not yet been secured.

(b) **General Provisions.**

- (1) A youth assigned to a home or home substitute may be temporarily admitted to any Texas Juvenile Justice Department-operated residential facility while waiting for assignment to a permanent placement if no disciplinary hearing is involved and if no alternative temporary placement can be found.
- (2) A youth may remain at the facility as a temporary admission for up to 14 calendar days. Extensions may be granted for up to 30 additional days by the division director over residential services or his/her designee.
- (3) During a temporary admission, youth are assigned a case manager and participate in regular activities within the general population at the facility.

See [CMS.01.70](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, and Program Completion Division: Placement Planning Rule: Undocumented Foreign Nationals ACA: N/A	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8579, 9/1/10
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RULE

(a) **Purpose.**

The purpose of this rule is to establish guidelines for the Texas Juvenile Justice Department (TJJD) to work with United States Immigration and Customs Enforcement (ICE) concerning youth who are undocumented foreign nationals.

(b) **Definitions.**

Undocumented Foreign National--A foreign-born youth who does not have legal authorization to reside in the United States.

(c) **General Provisions.**

- (1) TJJD will not detain an undocumented foreign national in a secure facility for the sole purpose of deportation. An ICE detainer is not an automatic bar to earned release.
- (2) TJJD will work with ICE to determine the residency status of a youth who does not have documentation identifying his/her residency.
- (3) TJJD will notify ICE of the release date of a youth 10 days prior to release from a high restriction/secure facility if ICE has issued a detainer for the youth.
- (4) If ICE fails to pick up a youth on or before the release date, TJJD will proceed with placement options for the youth. TJJD may hold a youth after the scheduled release date for pick up by ICE, but such a hold may not exceed 48 hours after the scheduled release date.
- (5) TJJD monitors the cases of youth detained by ICE until the youth are discharged from TJJD.

See [CMS.02.75](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, and Program Completion Division: Placement Planning Rule: Home Placement ACA: 4-JCF-5I-02 Statute(s): Human Resources Code §245.051	Effective Date: 4/1/14 Page: 1 of 3 Replaces: GAP.380.8571, 11/15/11
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RULE

(a) **Purpose.**

The Texas Juvenile Justice Department (TJJD) recognizes that positive contact with parents, family members, guardians, and other significant persons can greatly enhance a youth's successful re-entry into the community. TJJD considers the totality of the home environment when making decisions regarding an appropriate home placement for youth. The purpose of this rule is to establish criteria and procedures to identify a suitable parole placement for youth who have completed residential program requirements.

(b) **Applicability.**

- (1) This policy applies to youth who will be placed on parole prior to age 19.
- (2) This policy does not apply to sentenced offenders whose minimum period of confinement will expire within two months prior to the youth's 19th birthday or after the 19th birthday, because the youth, if released to parole, will be under the supervision of the Texas Department of Criminal Justice-Parole Division.

(c) **Definitions.**

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

- (1) **Close Family Friend**--a person at least 21 years of age who has a longstanding, significant relationship with the youth. Examples may include a godparent or someone considered to be an aunt or uncle even though not related to the youth.
- (2) **Guardian**--has the meaning assigned in [Chapter XIII, Section 601 of the Probate Code](#).
- (3) **Parent**--an individual who has established a parent-child relationship under [§160.201](#) of the Family Code. Parent does not include an individual whose parental rights have been terminated.
- (4) **Relative**--any person at least 21 years of age, other than a parent, who is:
 - (A) currently related to the youth in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once-removed (the child of one's first cousin), second cousin (the child of the first cousin of one's parent), great uncle, or great aunt;
 - (B) the spouse of the youth or a person listed in subparagraph (A) of this paragraph; or
 - (C) the youth's step-father, step-mother, or adult step-sibling.

(d) **General Provisions.**

- (1) TJJD attempts to place paroled youth in the home of the youth's custodial parent(s) or legal guardian whenever possible. All parole placements are made consistent with the best interests, safety, rehabilitative needs, and special needs of the youth.

- (2) TJJJ may place a youth at the following placements:
 - (A) home of the custodial parent(s) or legal guardian;
 - (B) home of the non-custodial parent;
 - (C) home of a relative;
 - (D) home of a close family friend;
 - (E) program placement such as a halfway house, subsidized independent living, or foster home;
or
 - (F) if the youth meets required parole supervision levels, an unsupervised home location such as an apartment, dormitory, or homeless shelter.
 - (3) TJJJ considers input from the youth, the youth's parents/guardian, and relatives when determining the parole placement that is in the youth's best interest.
 - (4) For youth under supervision of both the Department of Family and Protective Services (DFPS) and TJJJ, TJJJ collaborates with DFPS to determine the appropriate home placement.
 - (5) TJJJ will conduct home placement assessments for youth referred for parole supervision through the Texas Interstate Compact for Juveniles Office according to the rules of the Interstate Commission for Juveniles.
 - (6) TJJJ may conduct background and criminal history checks of individuals over the age of 14 as a prerequisite to placing a youth in the home of a close family friend. Confidential criminal history record information will not be released or disclosed except on court order or with the consent of the individual who is the subject of the criminal history record information. Criminal records obtained pursuant to this rule will be destroyed after completion of the home placement decision.
 - (7) For youth under age 18 whose parents cannot be located or refuse to allow the youth to return home and TJJJ is unable to locate a placement with a relative, TJJJ will refer the matter to DFPS.
 - (8) Based on a consideration of the youth's best interests and public safety, the executive director or his/her designee may make exceptions to provisions of this rule on a case-by-case basis.
- (e) **Placement Assessment.**
- (1) The assigned parole officer must evaluate the parole placement options of each youth upon commitment to TJJJ. If it is determined that the home of the custodial parent/legal guardian is not available for a parole placement, alternative placement options will be identified in consultation with the youth's case manager, the youth, and when possible, the youth's parent/guardian.
 - (2) The assigned parole officer must assess the home of each youth in his/her jurisdiction, provide a parent/parole orientation, and determine whether the home is approved or disapproved for placement. The home placement assessment will be completed in the home where the youth will be placed.
 - (3) The home placement assessment status may be changed but only as a result of a follow-up home placement assessment by the assigned parole officer.
 - (4) A completed home placement assessment is considered current for 12 months. Home placement re-assessments are conducted annually.
 - (5) Any time new evidence or special circumstances warrant, a follow-up home placement assessment must be conducted.

(f) Disapproval Criteria for Home Placements.

- (1) A home may be disapproved if one or more of the following criteria exists and can be documented:
 - (A) physical abuse;
 - (B) sexual abuse;
 - (C) physical absence of parent caretaker due to criminal incarceration or physical/psychiatric hospitalization;
 - (D) serious physical/survival neglect;
 - (E) legal termination of parental rights for youth under 18 years of age;
 - (F) the youth is a sex offender, the victim or a potential victim resides in the home, and requirements for family reintegration have not been met;
 - (G) the legal head of household cannot or will not supervise the youth and/or the youth is not welcome in the home; or
 - (H) the home being assessed is that of a close family friend and there is documented evidence that an individual in the home has a criminal or other background that would present or has presented a negative and/or unsafe influence or impact on the youth.
- (2) If a home is disapproved, parole staff must provide supports and services to the family that will assist with addressing safety or other issues identified as disapproval criteria. A disapproved home may later be approved as a placement if the assigned parole staff determines specific actions have been taken to address the identified issues.
- (3) If a home is not approved, parole staff must provide the parent(s) or legal head of household with written notice of the disapproval, the reasons for the disapproval, any action that may be taken to correct a deficiency, and information concerning the right to file a grievance concerning the decision.

(g) Non-Relative Placements.

- (1) Youth under 18 years of age may only be placed with a close family friend or in an unsupervised home location if approved by the executive director or his/her designee, and for placements with a close family friend, only if appropriate criminal history checks have been conducted.
- (2) If a parent/guardian objects to a non-relative placement, the objection will be considered in the final decision.

See [CMS.12.05](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/1/22
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 4
Division: Movement before Program Completion	Replaces: GAP.380.8545, 4/1/14
Rule: Movement before Program Completion	
Statutes: HR Code §245.051 ; Family Code §54.0491	
References: <i>Morales v Turman</i> Settlement Agreement Section (V)(H)	

RULE

(a) **Purpose.**

The purpose of this rule is to establish criteria and procedures for moving youth who have not met program completion requirements to placements of equal or lesser restriction.

(b) **General Provisions.**

Prior to a transition, a youth may request and in doing so will be granted a Level II hearing.

(c) **Transition Movements before Initial or Revocation Minimum Length of Stay.**

(1) **Eligibility.**

The following youth are not eligible for transition movement before completion of the initial or revocation minimum length of stay:

- (A) sentenced offenders; and
- (B) sex offenders with court orders deferring their sex offender registration requirements who have not successfully completed an assigned sexual behavior treatment program.

(2) **Transition Movement Criteria.**

Youth in a high-restriction facility may be eligible for transition to a medium-restriction facility before completion of the initial or revocation minimum length of stay when the following criteria have been met:

- (A) no major rule violations proven at a Level II due process hearing:
 - (i) within 60 days before the transition review or during the approval process, for youth with committing offenses of low or moderate severity; or
 - (ii) within 120 days before the transition review or during the approval process, for youth with committing offenses of high severity; and
- (B) completion of the following:
 - (i) for youth who have not completed the initial minimum length of stay:
 - (I) six months of the initial minimum length of stay in high-restriction facilities if the youth has a committing offense of low severity; or
 - (II) nine months of the initial minimum length of stay in high-restriction facilities if the youth has a committing offense of moderate severity; or
 - (III) all but six months of the initial minimum length of stay in high-restriction facilities if the youth has a committing offense of high severity; or
 - (ii) for youth placed in a high-restriction facility following revocation of parole, at least two-thirds of the revocation minimum length of stay; and

- (C) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751 of this chapter](#); and
- (D) completion of the following rehabilitation program requirements:
 - (i) for TJJD-operated facilities, assignment to the second-highest stage in the assigned rehabilitation program as described in [§380.8703 of this chapter](#); or
 - (ii) for facilities operated under contract with TJJD, completion of requirements for transition to a community residential placement as defined in the TJJD-approved rehabilitation program; and
- (E) completion of a criminal street gang intervention program, if required by court order.

(3) **Decision Authority for Approval of Transition.**

The final decision authority ensures, before approving the transition, that the youth meets all transition criteria and the community reentry/transition plan adequately addresses risk factors.

(d) **Transition Movements after Completion of Initial or Revocation Minimum Length of Stay.**

(1) **Eligibility.**

The following youth are not eligible for transition movement after completion of the initial or revocation minimum length of stay:

- (A) sentenced offenders; and
- (B) sex offenders with court orders deferring their sex offender registration requirements who have not successfully completed an assigned sexual behavior treatment program.

(2) **Transition Movement Criteria.**

Youth in a high-restriction facility may be eligible for transition to a medium-restriction facility after completion of the initial or revocation minimum length of stay when the following criteria have been met:

- (A) no major rule violations proven at a Level II due process hearing within 30 days before the transition review or during the approval process;
- (B) participation in or completion of assigned specialized treatment programs or curriculum as required under §380.8751 of this chapter; and
- (C) completion of a criminal street gang intervention program, if required by court order.

(3) **Decision Authority for Approval of Transition.**

The final decision authority ensures, before approving the transition, that the youth meets all transition criteria and the community reentry/transition plan adequately addresses risk factors.

(e) **Population Control Movements.**

- (1) When overpopulation occurs in a high-restriction facility and other remedial actions are not successful in managing facility populations, non-sentenced offender youth who do not otherwise qualify may be released or transitioned. In such cases, the executive director establishes the criteria, taking into account factors including, but not limited to, the following:

- (A) progress in the rehabilitation program;
- (B) amount of the minimum length of stay completed;

- (C) severity of the committing offense;
- (D) completion of required specialized treatment programs;
- (E) participation in or completion of any statutorily required rehabilitation programming; and
- (F) current risk assessment.

(2) Youth will be transitioned to a suitable TJJJ-operated medium-restriction placement or contract-care facility or will be released to a suitable home or home substitute.

(f) **Administrative Transfers.**

Administrative transfers may be made for non-disciplinary, programmatic purposes among facilities of equal restriction without a due process hearing. An administrative transfer may not be made in lieu of a disciplinary transfer. A due process hearing is required for a disciplinary transfer.

(g) **Reassignment of Youth Initially Eligible for Placement in a Medium-Restriction Facility.**

A youth may be reassigned to a medium-restriction facility if the youth was initially eligible for such placement under [§380.8521 of this chapter](#) but was placed in a high-restriction facility in order to address one or more placement system factors that could not be appropriately addressed in a medium-restriction facility. These youth are not required to meet transition criteria set forth in subsections [\(c\)](#) or [\(d\)](#) of this section.

(h) **Conditional Placements.**

(1) **Eligibility.**

The following youth are not eligible for conditional placement:

- (A) sentenced offenders; and
- (B) sex offenders with court orders deferring their sex offender registration requirements who have not successfully completed an assigned sexual behavior treatment program.

(2) **Criteria for Conditional Placement.**

(A) **Before the Initial Minimum Length of Stay.**

To be considered for a conditional placement before completing the initial minimum length of stay, a youth must meet all program completion criteria set forth in [§380.8555 of this chapter](#), with the exception of the requirement to complete the minimum length of stay.

(B) **After the Initial Minimum Length of Stay.**

A youth may be considered for a conditional placement after completing the initial minimum length of stay when the following criteria have been met:

- (i) staff have determined that, due to the youth's treatment needs, the conditional placement would be in the youth's best interests;
- (ii) the youth has participated in or completed assigned specialized treatment as required under [§380.8751 of this chapter](#); and
- (iii) the youth has completed a criminal street gang intervention program, if required by court order.

(3) **Conclusion of Conditional Placement.**

A conditional placement ends when:

- (A) the youth is assigned to a medium-restriction facility or home placement because the youth:
- (i) earns parole status under [§380.8555 of this chapter](#) or is placed on parole status under [§380.8557 of this chapter](#);
 - (ii) is transitioned to a medium-restriction facility under subsection (c) or (d) of this section; or
 - (iii) is reassigned to a medium-restriction facility under [subsection \(g\) of this section](#);
- (B) the youth is discharged under §380.8557 or [§380.8595 of this chapter](#); or
- (C) the youth is returned to the sending facility through a Level II due process hearing held in accordance with [§380.9555 of this chapter](#) for reasons including, but not limited to:
- (i) commission of a rule violation listed in [§380.9503](#) or [§380.9504 of this chapter](#);
 - (ii) violation of the conditional placement agreement; or
 - (iii) the conditional placement is no longer viable.

(i) **Hardship Cases.**

In hardship cases, the executive director or designee may approve placing a non-sentenced offender youth on parole status without meeting program completion criteria.

(j) **Youth with Mental Illness or Intellectual Disability.**

Pursuant to [§380.8779 of this chapter](#), certain youth may be discharged following application for appropriate services to address their mental illness or intellectual disability.

(k) **Active Warrants.**

At least ten calendar days before the youth's transition or release, TJJJD notifies any entity that has issued an active warrant for the youth.

(l) **Individual Exceptions.**

The executive director or designee may make exceptions to provisions of this rule on a case-by-case basis, based on a consideration of the youth's best interests and public safety.

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- See [CMS.03.11](#) for procedures relating to the criminal street gang intervention program.
 - See [Case Management Standards Manual, Chapter 2](#), for procedures relating to administrative transfers, transition movements, conditional placements, and reassignment of youth initially eligible for medium-restriction placement.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/1/22
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 2
Division: Program Completion and Release	Replaces: GAP.380.8555, 4/1/14
Rule: Program Completion for Non-Sentenced Offenders	
Statutes: HR Code §245.051 ; Education Code §30.106 ; Family Code §54.0491	

RULE

(a) **Purpose.**

The purpose of this rule is to establish criteria and the approval process for release of youth upon program completion.

(b) **Applicability.**

- (1) This rule does not apply to sentenced offenders.
- (2) This rule does not apply to decisions by the Release Review Panel. See [§380.8557 of this chapter](#) for more information on the Release Review Panel.

(c) **General Provisions.**

A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJJ) releases youth to authorities pursuant to a warrant.

(d) **Program Completion Criteria.**

Youth in high- or medium-restriction facilities are eligible for release to TJJJ parole when the following criteria have been met:

- (1) no major rule violations proven at a Level II due process hearing within 30 days before the program completion review or during the approval process; and
- (2) completion of the minimum and/or extension length of stay; and
- (3) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751 of this chapter](#); and
- (4) completion of the following rehabilitation program requirements:
 - (A) for TJJJ-operated facilities, assignment to the highest stage in the assigned rehabilitation program as described in [§380.8703 of this chapter](#); or
 - (B) for facilities operated under contract with TJJJ, completion of requirements for release to parole as defined in the TJJJ-approved rehabilitation program; and
- (5) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:
 - (A) participation in a reading improvement program for identified youth to the extent required under [§380.9155 of this chapter](#);
 - (B) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and
 - (C) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) **Review and Approval Process.**

(1) **Program Completion Review.**

- (A) Before the expiration of a youth's initial or revocation minimum length of stay and before the expiration of an extension length of stay, a program completion review is conducted to determine whether the youth appears to meet program completion criteria.
- (B) If it is determined the youth does not meet program completion criteria, the youth's case is referred to the Release Review Panel. Staff will discuss with the youth the reasons for the decision to refer the youth's case to the panel.
- (C) If it is determined the youth appears to meet program completion criteria, the youth's case is referred to the final decision authority.

(2) **Final Decision Authority for Approval of Release.**

- (A) The final decision authority shall confirm whether the youth meets all release criteria and ensure the community reentry/transition plan adequately addresses risk factors prior to approving the release.
- (B) If the final decision authority approves the release, the youth must be placed on parole or parole status no later than 15 calendar days after the minimum length of stay date.
- (C) If the final decision authority does not approve the release, the youth's case is referred to the Release Review Panel.

(f) **Loss of Release Eligibility.**

If a youth loses release eligibility after the program completion review and before release to parole, the youth's case is referred to the Release Review Panel.

(g) **Active Warrants.**

At least ten calendar days before the youth's release, TJJD notifies any entity that has issued an active warrant for the youth.

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- See [Case Management Standards Manual, Chapter 2](#), for procedures relating to the release process.
 - See [CMS.03.11](#) for procedures relating to the gang intervention education program.
 - See [EDU.13.51](#) for procedures relating to participation in the reading program and positive behavior support system.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/1/22
Subchapter: Admission, Placement, and Program Completion	Page: 1 of 5
Division: Program Completion and Release	Replaces: GAP.380.8557, 4/1/14
Rule: Release Review Panel	
Statutes: HR Code §§245.101 - 245.104	

RULE

(a) Purpose.

This rule establishes a Release Review Panel to determine whether a youth who has completed the minimum length of stay should be discharged from the custody of the Texas Juvenile Justice Department (TJJD), released under supervision, or given an extended length of stay. This rule also establishes a process to request reconsideration of an order issued by the Release Review Panel.

(b) Applicability.

This rule applies to all youth committed to TJJD without a determinate sentence who have completed the minimum length of stay and have not been approved for release under [§380.8555 of this chapter](#).

(c) Definitions.

Except as specified in this subsection, see [§380.8501 of this chapter](#) for definitions of terms used in this rule. The following terms, as used in this rule, have the following meanings unless the context clearly indicates otherwise.

- (1) **Clear and Convincing Evidence**--a standard of proof meaning that measure or degree which will produce in the mind of the trier of facts a firm belief or conviction as to the position sought to be established; more than a preponderance of the evidence, but less than beyond a reasonable doubt.
- (2) **Extension Length of Stay**--a period of time in addition to the minimum length of stay that a youth is required to remain in residential placements.
- (3) **Major Rule Violation**--a violation in the most serious category of rule violations for residential facilities, as listed in [§380.9503 of this chapter](#).
- (4) **Release Review Panel (or Panel)**--the TJJD Central Office staff members appointed to determine if a youth who has completed the minimum length of stay will be discharged, released, or given an extension length of stay.
- (5) **Residential Placement**--a high- or medium-restriction facility, as defined in [§380.8527 of this chapter](#).
- (6) **Victim**--any victim who has requested notification of release or discharge proceedings.

(d) General Provisions.

(1) Panel Members.

- (A) The panel must consist of an odd number of members appointed by the executive director for terms of at least two years.
- (B) Each member of the panel must be a TJJD employee who works at the TJJD Central Office. Panel members may not be involved in any supervisory decisions concerning youth in the custody of TJJD.

(2) **Evidence Used by the Panel.**

- (A) The panel may review any information relevant to the youth's progress and rehabilitation, irrespective of the form of the information.
- (B) The youth, the parent/guardian of the youth, or victims of the youth may submit information for the panel's consideration. Information and arguments should be submitted to the panel in writing on or before the expiration of the youth's minimum length of stay or, if applicable, the expiration of the extension length of stay. The youth may request assistance from any TJJD staff member or volunteer in communicating with the panel.
- (C) The parent/guardian, victim, or person representing the youth, if any, may make a written request for personal communication with a member of the panel before the expiration of the youth's minimum length of stay or, if applicable, the expiration of the extension length of stay. If the panel approves the request, the panel will schedule the communication, which may be in person, via telephone, or via videoconference.
- (D) The panel may, at its discretion, interview the youth or any other individual who may have information relevant to the youth's rehabilitation needs. When notified that an attorney or other representative is assisting the youth with the review, the panel must notify the representative of any scheduled interviews with the youth prior to conducting the interview. A youth's refusal to speak to the panel is not held against the youth when making the release decision.
- (E) To be considered as a factor in a determination to extend a youth's stay, a violation of the rules of conduct must have been proven via due process that provides advance written notice of the alleged violation, a written statement by the fact finder of the evidence relied upon and the reason for the decision, an opportunity to call witnesses and present evidence, and a neutral decision maker. Documented behaviors that do not result in a rule violation being proven true in a due process hearing may still provide evidence of continuing conduct that the panel may consider in making its decision.

(3) **Deadline for Release or Discharge.**

- (A) If the panel determines that a youth's length of stay should not be extended, TJJD must release or discharge the youth no later than 15 calendar days after the date of the panel decision, except as provided by subparagraph (B) of this paragraph.
- (B) A request for reconsideration of a release or discharge order may temporarily delay the release or discharge of the youth until the panel reaches a decision on the request in accordance with timeframes established in [subsection \(h\) of this section](#).

(4) **Extension Length of Stay.**

An extension length of stay may be assigned only by the panel and only in accordance with the provisions of this rule.

(e) **Completion of Minimum Length of Stay.**

(1) **Referral to the Panel.**

Upon receipt of a referral regarding a youth who has not met program completion criteria as set out in [§380.8555 of this chapter](#), the following actions shall occur.

- (A) The youth, parent/guardian, and any victims shall be notified that the case has been referred to the panel for review.

- (B) Before the date the minimum length of stay expires, staff will make available to the panel any information relevant to the decision on whether the youth is in need of additional rehabilitation in a residential placement.

(2) **Panel Decision.**

- (A) No later than 30 calendar days after expiration of the youth's minimum length of stay, the panel shall make a determination as to whether TJJD will discharge the youth, release the youth, or extend the youth's stay in a residential placement.
- (B) The panel may extend the youth's stay only if the panel determines by majority vote that there is clear and convincing evidence that:
 - (i) the youth is in need of additional rehabilitation from TJJD; and
 - (ii) a residential placement will provide the most suitable environment for that rehabilitation.
- (C) The panel's determination may include assessments of factors including, but not limited to, the following:
 - (i) the youth's efforts to reduce individual risk factors and increase individual protective factors;
 - (ii) the degree and quality of the youth's participation in available treatment programs, including statutorily required or court-ordered treatment programs;
 - (iii) the youth's behavior while at TJJD; and
 - (iv) whether there are any public safety issues related to releasing or discharging the youth.
- (D) The youth, parent/guardian, victim, and any attorney or representative of the youth are notified of the panel's determination regarding extension of stay, release, or discharge.
- (E) If the panel extends the length of a youth's stay, the panel shall:
 - (i) specify the additional period of time that the youth is required to remain in residential placements; and
 - (ii) provide a written report explaining the reason for the extension to the youth, parent/guardian, and any attorney or representative of the youth. The report must be provided no later than ten calendar days after the date of the panel decision.

(f) **Completion of Extension Length of Stay.**

(1) **Referral to the Panel.**

Upon receipt of a referral regarding a youth who has not met program completion criteria as set out in [§380.8555 of this chapter](#), the following actions shall occur.

- (A) The youth, the youth's parent/guardian, and the attorney or representative of the youth, if any, shall be notified that the youth's case is pending review before the panel.
- (B) Before the date the extension length of stay expires, staff will make available to the panel any information relevant to the decision on whether the youth is in need of additional rehabilitation in a residential placement.

(2) **Panel Decision.**

No later than 30 calendar days after expiration of the youth's extension length of stay, the panel will conduct a review and make a determination to discharge the youth, release the youth, or extend the length of stay in a residential placement. The panel shall send notification to the youth, the youth's parent/guardian, any victims, and the attorney or representative of the youth, if any, of the decision within ten calendar days after the date of the decision.

(g) **Request for Reconsideration of an Extension Order.**

(1) A request for reconsideration of an extension order may be submitted by:

- (A) the youth;
- (B) the youth's parent/guardian;
- (C) an attorney or representative for the youth;
- (D) the youth's victim(s);
- (E) a TJJD employee;
- (F) an employee of a TJJD contractor;
- (G) a person who provides volunteer services at a TJJD facility; or
- (H) the TJJD ombudsman.

(2) The request for reconsideration must be in writing and must be received by the panel no later than 15 calendar days after the date of the written notice explaining the reason for the extension. Requests for reconsideration received after that time may be considered at the discretion of the panel.

(3) The youth may request assistance from any TJJD staff member or volunteer in completing a request for reconsideration.

(4) The person submitting the request for reconsideration must state in the request the reason for the request. The request should relate to the reasons given for the extension or be based on relevant information concerning the youth's programming and treatment progress.

(5) Upon receipt of a request for reconsideration, the panel:

- (A) shall reconsider an extension order that extends the youth's stay in TJJD custody by six months or more or that, when combined with previous extension orders, results in an extension of the youth's stay in TJJD custody by six months or more; and
- (B) may, at its discretion, reconsider extension orders other than those addressed in subparagraph (A) of this paragraph.

(6) When the panel conducts a reconsideration, the panel shall provide the youth, the youth's parent/guardian, the attorney or representative of the youth, and the person who submitted the request for reconsideration with a written explanation of the panel's decision no later than 15 calendar days after receipt of the request. The reply shall include an indication that the panel has considered the information submitted in the request. If the reconsideration results in a decision to release or discharge the youth, any victims shall be notified.

(7) A reconsideration decision by the panel exhausts all administrative remedies regarding release after expiration of the minimum length of stay.

(h) **Request for Reconsideration of a Release or Discharge Order.**

(1) For youth in a high-restriction facility, a release or discharge order is considered conditional until the youth has been physically released from the facility.

- (2) For youth in a medium-restriction facility, including a halfway house:
 - (A) a release order is considered conditional until the youth's status has been changed from institutional to parole status; and
 - (B) a discharge order is considered conditional until the youth has been physically released from the facility.
- (3) The executive director, the chief inspector general, the general counsel, the deputy executive director for state services, the chief of staff, the facility administrator, appropriate contract-care monitoring staff, staff designated by the executive director, or the TJJD ombudsman may request a reconsideration of a release or discharge order as long as the release or discharge order is still conditional, as provided by paragraphs (1) and (2) of this subsection.
- (4) If, while the release or discharge order is still conditional, the youth is alleged to have committed a major rule violation or new information becomes available that indicates the youth is likely in need of further rehabilitation at a TJJD facility, staff designated by the executive director must request reconsideration of the release or discharge order.
- (5) The youth shall be provided a copy of the request for reconsideration before the panel makes its decision regarding the reconsideration. The youth shall be given the opportunity to provide information to the panel concerning the reason(s) for the request. If the youth is represented by an attorney or other representative, that person shall also be provided with a copy of the request for reconsideration and given an opportunity to provide information to the panel.
- (6) The panel shall provide the youth, the youth's parent/guardian, the requestor, and facility staff with a written explanation of the panel's decision no later than 15 calendar days after receipt of the request. The reply shall include an indication that the panel has considered the information submitted in the request. If the reconsideration results in a change in the original panel decision, any victims shall be notified.
- (7) If reconsideration of a release or discharge order results in a decision to extend the youth's length of stay, a person listed in subsection (g) of this section may request reconsideration according to the process established in that subsection. That reconsideration decision exhausts all administrative remedies.

See [CMS.02.53](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Program Completion for Youth with Determinate Sentences Statutes: HR Code §§244.015, 245.051, 245.152; Education Code §30.106; Family Code §54.0491	Effective Date: 5/1/22 Page: 1 of 3 Replaces: GAP.380.8559, 12/1/16
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RULE

(a) Purpose.

This rule establishes criteria and the approval process for youth with determinate sentences to qualify for release or transfer to parole by completing required programming.

(b) Applicability.

- (1) This rule applies only to youth with a determinate sentence who have not been adjudicated for capital murder. See [§380.8569](#) for youth adjudicated for capital murder.
- (2) This rule does not apply to sentenced offenders who are discharged due to expiration of the sentence or transferred to the Texas Department of Criminal Justice (TDCJ) by court order or by aging out of the Texas Juvenile Justice Department (TJJD). See [§380.8565 of this chapter](#).

(c) General Requirements.

- (1) A detainer or bench warrant is not an automatic bar to earned release. TJJD releases youth to authorities pursuant to a warrant.
- (2) TJJD reviews each youth's progress:
 - (A) six months after admission to TJJD;
 - (B) when the minimum period of confinement is complete;
 - (C) when the youth becomes 16 years of age;
 - (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-Correctional Institutions Division (TDCJ-CID) or TDCJ-Parole Division (TDCJ-PD);
 - (E) within 45 days after revocation of parole, if applicable;
 - (F) when a youth who is past the minimum period of confinement appears to meet program completion criteria; and
 - (G) at other times as appropriate, such as after a major rule violation is proven at a Level II hearing.
- (3) The youth must serve the entire minimum period of confinement applicable to the committing offense in a high-restriction facility unless:
 - (A) the youth is transferred to TDCJ-CID by the committing court. See [§380.8565 of this chapter](#);
 - (B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;

- (C) the youth's sentence expires before the minimum period of confinement expires; or
- (D) the executive director waives the requirement that the youth be assigned to a high-restriction facility. This subparagraph does not allow a youth to be placed on parole status.

(d) **Program Completion Criteria.**

- (1) The youth may be considered for release or transfer to parole when the following criteria have been met:
 - (A) no major rule violations proven at a Level II due process hearing within 90 days prior to the program completion review or during the approval process;
 - (B) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751 of this chapter](#);
 - (C) assignment to the highest stage in the rehabilitation program as described in [§380.8703 of this chapter](#);
 - (D) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:
 - (i) participation in a reading improvement program for identified youth to the extent required under [§380.9155 of this chapter](#);
 - (ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and
 - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order; and
 - (E) completion of:
 - (i) all but nine months of the sentence if the sentence expires before or simultaneously with the minimum period of confinement; or
 - (ii) the entire minimum period of confinement if the sentence expires after the minimum period of confinement.
- (2) Youth are released to TJJD parole unless the youth meets program completion criteria within two months before the 19th birthday, in which case the youth will be transferred to TDCJ-PD.

(e) **Approval Process for Release or Transfer.**

- (1) TJJD notifies the youth and the youth's parent/guardian of a pending program completion review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.
- (2) The final decision authority confirms whether the youth meets all program completion criteria and ensures that the community reentry/transition plan adequately addresses risk before approving the release or transfer.

(f) **Loss of Release or Transfer Eligibility.**

- (1) Eligibility for release or transfer is lost when either of the following occurs after the program completion review:
 - (A) the youth commits a major rule violation that is proven at a Level II due process hearing; or
 - (B) the youth is no longer assigned to the highest stage in the agency's rehabilitation program.
- (2) Except as described in paragraph (3) of this subsection, a youth who loses release or transfer eligibility will not be eligible for release or transfer until it is confirmed that the youth again meets program completion criteria.
- (3) If a youth is being considered for release or transfer nine months before completion of the sentence and the youth loses eligibility for release or transfer, the youth must remain in high restriction until the sentence has expired.

(g) **Release or Transfer Date.**

If the youth is approved for release or transfer to parole, the youth is:

- (1) released to TJJJD parole within 60 calendar days unless the youth loses release eligibility. If the youth loses release eligibility, the release process is reinitiated when the youth again meets program completion criteria; or
- (2) transferred to TDCJ-PD on or before the youth's 19th birthday.

(h) **Active Warrants.**

At least ten calendar days before the youth's transfer or release, TJJJD notifies any entity that has issued an active warrant for the youth.

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- See [Case Management Standards Manual, Chapter 2](#) for procedures relating to the release process.
 - See [CMS.03.11](#) for procedures relating to the gang intervention education program.
 - See [EDU.13.51](#) for procedures relating to participation in the reading program and positive behavior support system.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence Statutes: HR Code §§244.014, §244.015	Effective Date: 5/1/22 Page: 1 of 4 Replaces: GAP.380.8565, 12/1/16
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RULE

(a) Purpose.

This rule establishes criteria and an approval process for:

- (1) requesting court approval to transfer sentenced offenders to adult prison; and
- (2) discharging sentenced offenders:
 - (A) whose sentences have expired; or
 - (B) who did not previously qualify for release or transfer by completing required programming.

(b) Applicability.

- (1) This rule applies only to the disposition of a youth's determinate sentence(s).
- (2) This rule applies only to sentenced offenders.
- (3) This rule does not apply to:
 - (A) sentenced offenders who qualify for release or transfer to parole by completing required programming. See [§380.8559 of this chapter](#); or
 - (B) sentenced offenders adjudicated for capital murder. See [§380.8569 of this chapter](#).

(c) General Requirements.

- (1) By law, a sentenced offender is transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's 19th birthday.
- (2) The youth must serve the entire minimum period of confinement that applies to the committing offense in a high-restriction facility unless:
 - (A) the youth is transferred by the committing court to the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ-CID);
 - (B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;
 - (C) the youth's sentence expires before the minimum period of confinement expires; or
 - (D) the executive director waives the requirement that the youth be assigned to a high-restriction facility. This subparagraph does not allow a youth to be placed on parole status.
- (3) TJJD reviews each youth's progress:
 - (A) six months after admission to TJJD;
 - (B) when the minimum period of confinement is complete;

- (C) when the youth becomes 16 years of age;
- (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or to the Texas Department of Criminal Justice - Parole Division (TDCJ-PD);
- (E) within 45 days after revocation of parole, if applicable; and
- (F) at other times as appropriate, such as after a major rule violation is proven at a Level II hearing.

(4) TJJD jurisdiction is terminated and a youth is discharged when:

- (A) the youth is transferred to TDCJ; or
- (B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in [§380.8525 of this chapter](#).

(d) **Transfer Criteria.**

(1) **Transfer to TDCJ-CID for Youth Whose Conduct Occurs While on Parole Status.**

TJJD may request a juvenile court hearing to recommend transfer of a youth to TDCJ-CID if all of the following criteria are met:

- (A) the youth's parole has been revoked or the youth has been adjudicated or convicted of a felony offense occurring while on parole status;
- (B) the youth is at least age 16;
- (C) the youth has not completed the sentence; and
- (D) the youth's conduct indicates that the welfare of the community requires the transfer.

(2) **Transfer to TDCJ-CID for Youth Whose Conduct Occurs While in a High-Restriction Facility.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

- (A) the youth is at least age 16; and
- (B) the youth has spent at least six months in high-restriction facilities, which is counted as follows:
 - (i) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or
 - (ii) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and
- (C) the youth has not completed the sentence; and

- (D) the youth meets at least one of the following behavior criteria:
 - (i) the youth has committed a felony or Class A misdemeanor while assigned to a residential facility; or
 - (ii) the youth has committed major rule violations as proven at a Level II due process hearing on three or more occasions; or
 - (iii) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see [§380.9740 of this chapter](#) for information on the security program); or
 - (iv) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and
- (E) alternative interventions have been tried without success; and
- (F) the youth's conduct indicates that the welfare of the community requires the transfer.

(3) Transfer to TDCJ-PD for Youth in Residential Facilities.

A youth in a residential facility who has not met program completion criteria in [§380.8559 of this chapter](#) and who has not received court approval for transfer to TDCJ-CID must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(4) Transfer to TDCJ-PD for Youth on TJJD Parole.

A youth on TJJD parole must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(e) Transfer Recommendation for Youth Who Will Not Complete the Minimum Period of Confinement before Age 19.

TJJD requests a court hearing for any youth who cannot complete the minimum period of confinement by the 19th birthday. The purpose of the hearing is to determine whether the youth will be transferred to TDCJ-CID or to TDCJ-PD. Notwithstanding the criteria in [subsection \(d\)\(2\) of this section](#), TJJD considers the following factors in forming a recommendation for the committing court:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:
 - (A) risk factors and protective factors the youth possesses as identified in the youth's psychological evaluation;
 - (B) the welfare of the community; and
 - (C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:
 - (i) participation in a reading improvement program for identified youth to the extent required under [§380.9155 of this chapter](#);
 - (ii) participation in a positive behavior support system to the extent required under [§380.9155 of this chapter](#); and
 - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(f) **Discharge Criteria.**

TJJD discharges youth from its jurisdiction when one of the following occurs:

- (1) expiration of the sentence imposed by the juvenile court, unless the youth is under concurrent commitment orders as described in [§380.8525 of this chapter](#); or
- (2) the youth has been transferred to TDCJ-CID under court order or transferred to TDCJ-PD.

(g) **Approval Process for Transfer to TDCJ-CID or TDCJ-PD.**

- (1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.
- (2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.
- (3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court or initiating a transfer to TDCJ-PD.
- (4) A hearing with the committing juvenile court shall be requested when a youth cannot complete the minimum period of confinement before age 19.
- (5) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.
- (6) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(h) **Active Warrants.**

At least ten calendar days before the youth's transfer or release, TJJD notifies any entity that has issued an active warrant for the youth.

See [Case Management Standards, Chapter 2](#), for transfer and discharge procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 5/1/22
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 3
Division: Program Completion and Release	Replaces: GAP.380.8569, 12/1/16
Rule: Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder	
Statutes: HR Code §244.015 ; Education Code §30.106 ; Family Code §54.0491	

RULE

(a) Purpose.

This rule establishes criteria and the approval process for transferring sentenced offenders adjudicated for capital murder to the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) or the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID).

(b) Applicability.

This rule applies only to sentenced offenders adjudicated for capital murder.

(c) General Provisions.

- (1) A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.
- (2) TJJD reviews each youth's progress:
 - (A) six months after admission to TJJD;
 - (B) when the youth becomes 16 years of age;
 - (C) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or TDCJ-PD; and
 - (D) at other times as appropriate, such as after a major rule violation has been proven at a Level II hearing.
- (3) Youth whose committing offense is capital murder must serve the entire minimum period of confinement applicable to the youth's committing offense in high-restriction facilities unless:
 - (A) the youth is transferred by the committing court to TDCJ-CID;
 - (B) the youth is approved by the committing court to attain parole status before completion of the minimum period of confinement; or
 - (C) the youth's sentence expires before the minimum period of confinement expires.
- (4) A youth who has not received court approval to transfer to TDCJ-CID must be transferred to TDCJ-PD no later than age 19.
- (5) TJJD jurisdiction is terminated and a youth is discharged when:
 - (A) the youth is transferred to TDCJ; or
 - (B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in [§380.8525 of this chapter](#).

(d) **Recommendation for Committing Court upon Termination of TJJD's Jurisdiction.**

TJJD makes a recommendation to the committing court for transfer to TDCJ-PD or TDCJ-CID before a youth turns 19. TJJD considers the following factors in forming its recommendation:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:
 - (A) risk factors and protective factors the youth possesses, as identified in the psychological evaluation;
 - (B) the welfare of the community; and
 - (C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:
 - (i) participation in a reading improvement program for identified youth to the extent required under [§380.9155 of this chapter](#);
 - (ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and
 - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) **Transfer to TDCJ-CID before Termination of TJJD's Jurisdiction.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

- (1) the youth is at least age 16; and
- (2) the youth has spent at least six months in high-restriction facilities, which is counted as follows:
 - (A) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or
 - (B) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and
- (3) the youth has not completed the sentence; and
- (4) the youth meets at least one of the following behavior criteria:
 - (A) the youth has committed a felony or Class A misdemeanor while assigned to a residential facility; or
 - (B) the youth has committed major rule violations as proven at a Level II hearing on three or more occasions; or

- (C) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see [§380.9740 of this chapter](#) for information on the security program); or
 - (D) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and
- (5) alternative interventions have been tried without success; and
 - (6) the youth's conduct indicates that the welfare of the community requires the transfer.
- (f) **Approval Process for Transfer to TDCJ-CID or TDCJ-PD.**
- (1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.
 - (2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.
 - (3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court.
 - (4) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.
 - (5) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.
- (g) **Active Warrants.**
- At least ten calendar days before the youth's transfer, TJJD notifies any entity that has issued an active warrant for the youth.

See [Case Management Standards, Chapter 2](#), for transfer procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/1/18
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 1
Division: Parole and Discharge	Replaces: GAP.380.8581, 12/1/14
Rule: Supervision Levels in Parole Home Placement	
Statutes: Human Resources Code §§242.059, 245.001	

RULE

(a) **Purpose.**

This rule provides for varying intensity levels of supervision for youth on parole status in a home placement or home substitute placement.

(b) **Definitions.**

For definitions of certain terms used in this rule, see [§380.8501 of this title](#).

(c) **General Provisions.**

- (1) Levels of supervision intensity are based on each youth's needs and the degree of risk presented to the public. The three levels of parole supervision are minimum, moderate, and intensive.
- (2) Upon release, all youth are initially placed on intensive supervision unless waived by the executive director or designee on a case-by-case basis.
- (3) The level of supervision is reassessed at least once every 90 days or sooner, as deemed appropriate by the parole officer. This reassessment may result in an increase, a decrease, or no change in the level of supervision.

See [CMS Chapter 12](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/1/18
Subchapter: Admission, Placement, Release, and Discharge	Page: 1 of 2
Division: Parole and Discharge	Replaces: GAP.380.8583, 10/15/14
Rule: Financial Support for Reentry	
Statutes: N/A	

RULE

(a) Purpose.

This rule promotes successful community reentry by providing limited, targeted financial support to eligible youth.

(b) Definitions.

For definitions of certain terms used in this rule, see [§380.8501 of this title](#).

(c) Eligibility Criteria.

(1) To qualify for financial reentry support, the youth must:

- (A) be assigned to parole status or be placed in a medium-restriction facility; and
- (B) have an identified financial need that:
 - (i) cannot be met using the youth's student trust fund or other resources available to the youth; and
 - (ii) is directly related to the youth's community reintegration plan.

(2) To qualify for a housing rent subsidy, a youth must meet the following criteria in addition to the criteria in paragraph (1) of this subsection:

- (A) be assigned to parole status;
- (B) complete an independent living preparation curriculum approved by TJJD;
- (C) complete the number of hours of community service specified by TJJD;
- (D) complete the number of months of employment or school attendance specified by TJJD;
- (E) sign a subsidized living support agreement;
- (F) be at least 18 years of age; and
- (G) have enough personal savings to pay all necessary deposits and the first month's rent.

(3) A housing rent subsidy may be provided only if TJJD has determined it is in the youth's best interest to be placed in an unsupervised home location.

(d) Requests and Approvals.

To receive financial reentry support, a youth must:

- (1) complete and submit the appropriate request form, which must show how the financial need is directly related to the youth's community reintegration plan; and
- (2) receive approval from the division director over parole services or designee.

(e) **Limitations.**

- (1) The provision of financial reentry support is contingent on the availability of funds.
- (2) TJJD may terminate a youth's financial reentry support due to a youth's failure to abide by:
 - (A) his/her conditions of parole or conditions of placement; or
 - (B) the terms of the subsidized living support agreement, if applicable.
- (3) A housing rent subsidy may not be provided for longer than six months.
- (4) Financial reentry support may not be expended after a youth is discharged from TJJD's jurisdiction.
- (5) Financial reentry support may be provided for expenses including, but not limited to:
 - (A) rent;
 - (B) electric service;
 - (C) household goods;
 - (D) food;
 - (E) public transportation passes;
 - (F) employment-related clothing;
 - (G) college expenses, such as tuition, books, and room and board;
 - (H) technical school or training expenses, such as tuition and tools; and
 - (I) structured leisure time activities.

(f) **Program Requirements for Youth Receiving a Housing Rent Subsidy.**

- (1) A youth's parole officer has access to the youth's living quarters in accordance with the terms of the subsidized living support agreement.
- (2) The youth's personal property will be disposed of in accordance with the terms of the subsidized living support agreement if the youth's parole is revoked or if the property is lost, damaged, or abandoned.

(g) **Individual Exceptions.**

The executive director or designee may make exceptions to provisions of this rule on a case-by-case basis, taking into consideration a youth's reintegration needs and public safety.

See [CMS.03.83](#) for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Discharge Rule: Parole Completion and Discharge Statutes: Family Code §58.262 , Human Resources Code §244.005 , §245.001	Effective Date: 5/1/18 Page: 1 of 3 Replaces: GAP.380.8595, 8/15/17
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RULE

(a) **Purpose.**

This rule establishes criteria for discharging certain youth from the jurisdiction of the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies only to non-sentenced offenders. Refer to [§380.8565](#) of this title for information relating to discharging sentenced offenders.

(c) **Discharge Criteria.**

(1) **Discharge Due to Successful Completion of Parole.**

(A) Youth may qualify for discharge upon completion of the following criteria:

- (i) successful completion of the following amount of time on the minimum level of parole supervision (or equivalent, if on parole in another state):
 - (I) 90 calendar days for a youth with a committing or revocation offense of high severity; or
 - (II) 30 calendar days for all other youth; and
- (ii) compliance with the youth's conditions of parole or conditions of placement;
- (iii) no unresolved criminal charges or delinquency petitions or referrals;
- (iv) completion of 60 hours of approved community service while on parole status or while assigned to a medium-restriction facility; and
- (v) completion of 40 hours of approved constructive activities each week for the four consecutive weeks immediately prior to the discharge date. Constructive activity includes, but is not limited to, time spent working, attending school, attending treatment or counseling, completing community service, actively searching for employment, and/or providing direct supervision to a child.

(B) The executive director or designee may approve the discharge of a youth who has not yet completed the requirements in subparagraph (A) of this paragraph when consideration of the youth's committing offense, behavior, history, and progress toward completion of parole or placement conditions justifies an earlier discharge.

(2) **Direct Discharge from Residential Facility by Release Review Panel.**

Pursuant to [§380.8557](#) of this title, the Release Review Panel may discharge a youth directly from a residential facility if it determines:

- (A) the youth is no longer in need of rehabilitation; or
- (B) TJJD is no longer the most suitable location to provide the needed rehabilitation.

(3) Discharge Due to Age.

- (A) Any youth who has not previously been discharged due to successful completion of parole or by the Release Review Panel is discharged on:
- (i) the day before the 19th birthday, if the youth is assigned to a residential facility; or
 - (ii) the last working day prior to the 19th birthday, if the youth is assigned to a non-residential placement.
- (B) A youth on parole status who is discharged due to age is considered to have successfully completed parole if the youth:
- (i) is not in jail or on abscond status;
 - (ii) has no unresolved criminal charges or delinquency petitions or referrals; and
 - (iii) has substantially complied with all parole requirements.

(4) Discharge Due to Special Circumstances.

- (A) Youth may be discharged prior to completion of parole requirements to enlist in the military. Only the executive director may approve such a discharge.
- (B) In addition to other discharge criteria listed in this rule, a youth placed out of state may be discharged when the youth is adjudicated by a juvenile court or convicted by a criminal court in the placement state.
- (C) Youth who have completed length-of-stay requirements and who are unable to progress in the agency's rehabilitation program because of mental illness or intellectual disability must be discharged as specified in [§380.8779](#) of this title.
- (D) Youth who are age 18 or older may be discharged prior to completion of parole requirements in order to obtain appropriate services. Only the executive director or designee may approve such a discharge.
- (E) Upon approval from the executive director or designee, youth may be discharged for special circumstances other than those addressed in subparagraphs (A) - (D) of this paragraph.

(5) Other Types of Discharges.

TJJD discharges a youth when:

- (A) the youth is sentenced for a minimum of 180 days in a state or county jail as part of the disposition of a criminal case;
- (B) the youth is placed on actively supervised adult probation for conduct that occurred while on TJJD parole status;
- (C) the youth is placed on actively supervised adult probation for conduct that occurred while the youth was in a TJJD or contract residential facility and not on parole status and the youth spent at least 180 days in county jail awaiting the disposition;
- (D) the court orders a reversal of the commitment;
- (E) records are closed following the youth's death; or
- (F) the youth is sentenced to the Texas Department of Criminal Justice – Correctional Institutions Division.

(d) Notification.

- (1) TJJJD immediately notifies the youth of the discharge and provides the youth and the parent/guardian a written explanation of procedures for sealing records.
- (2) TJJJD notifies the following at least ten calendar days before the youth's discharge or as soon as practicable:
 - (A) the committing juvenile court;
 - (B) the prosecuting attorney;
 - (C) the youth's parole officer, if the youth is not on parole status at a home location at the time of discharge;
 - (D) the chief juvenile probation officer for the county in which the youth will be living after discharge if that county is different than the one that committed the youth; and
 - (E) any entity that has issued an active warrant for the youth.

For discharge and notification procedures, see [CMS.02.63](#), [CMS.02.65](#), and [CMS.12.21](#).