

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

## **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.