

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.