

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

**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.