

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) TJJJ immediately notifies the youth of the discharge and provides the youth and the parent/guardian a written explanation of procedures for sealing records.
- (2) TJJJ 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](#).