

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Youth Rights and Remedies Rule: Visitation ACA: 4-JCF-1C-08, 3A-18, 3A-19, 3A-20 Statutes: Family Code §61.103 References: International Minimum Standard for the Treatment of Prisoners, 1977	Effective Date: 10/1/15 Page: 1 of 6 Replaces: GAP.380.9312, 7/15/14
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RULE

(a) **Purpose.**

The purpose of this rule is to promote and foster communication and contact between Texas Juvenile Justice Department (TJJD) youth and their parents/guardians, immediate family members, and other positive individuals in their lives.

(b) **Applicability.**

(1) This rule applies to all residential facilities operated by TJJD.

(2) This rule does not apply to visits from:

- (A) attorneys or their staff (see [§380.9311](#) of this title);
- (B) personal clergy (see [§380.9317](#) of this title); or
- (C) registered volunteers who are visiting a youth as part of their specific volunteer assignment (see [§385.8145](#) and [§385.8181](#) of this title).

(c) **Definitions.**

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

- (1) **Immediate Family Member**--parent, step-parent, legal guardian, sibling, step-sibling, child, spouse, aunt, uncle, or grandparent of a youth in TJJD custody.
- (2) **Non-Eligible Visitor**--includes only the following individuals:
 - (A) a former or current TJJD youth, except if a former TJJD youth is an immediate family member;
 - (B) a parent whose parental rights have been terminated by a court, but only if the youth the parent is seeking to visit is under age 18;
 - (C) any person who is restricted from contact with a TJJD youth by a valid court order;
 - (D) any former or current TJJD employee, unless the former or current TJJD employee is an immediate family member of the youth, is otherwise authorized to visit the youth, or is approved by the chief local administrator (CLA);
 - (E) any person who is not an immediate family member and who is under age 18, unless approved by the CLA;
 - (F) any person with an outstanding warrant for a felony or misdemeanor offense; and
 - (G) any person who is not an immediate family member and who is required to register as a sex offender, unless authorization for the visitation is obtained from the executive director or his/her designee.

(d) **General Provisions.**

- (1) All TJJD youth, regardless of program placement, are allowed to receive visitors.
- (2) Except for parents and guardians who wish to visit a youth during the youth's initial placement at the orientation and assessment facility, only persons whose names are on a youth's approved visitor list are permitted to visit that youth.
- (3) A person wishing to be placed on a youth's approved visitor list must submit a completed visitor application and obtain prior approval to visit with the youth.
- (4) TJJD conducts background and criminal history checks prior to placing a person on the youth's approved visitor list.
 - (A) TJJD does not release or disclose confidential criminal history record information except on court order or with the consent of the person who is the subject of the criminal history record information.
 - (B) Criminal records obtained under this rule are destroyed after completion of the visitation approval decision. However, if visitation is denied or limited based in part on a review of criminal history, TJJD retains the criminal history record information of the person for whom access is denied or limited until the youth the person is seeking to visit is released from TJJD.
- (5) An approved visitor under the age of 18 must be accompanied by:
 - (A) his/her parent or guardian; or
 - (B) if the visitor is the child of a TJJD youth, an approved visitor who is age 18 or older.

(e) **Denial of Visitation.**

- (1) TJJD may deny placing a person's name on a youth's approved visitor list only if:
 - (A) the person is a non-eligible visitor; or
 - (B) TJJD has denied visitation for any of the reasons listed in paragraph (2) of this subsection.
- (2) TJJD may deny visitation if:
 - (A) evidence exists that the person has:
 - (i) passed contraband to a youth or staff member that constitutes a violation of law or creates a safety or security risk;
 - (ii) aided a youth in an escape or attempted escape;
 - (iii) provided false information or failed to provide accurate information to staff with regard to visitation;
 - (iv) engaged in disruption of visitation similar to examples listed in subsection (h) of this section. The severity of the incident is a factor in determining the length of time visitation may be denied;
 - (B) the person was victimized by the youth and the manager of clinical services has determined that visitation would be harmful to the person;
 - (C) there is reasonable cause to believe the person would pose a risk to the safety or security of the facility or interfere with a youth's treatment, rehabilitation, or successful reestablishment in the community;
 - (D) the person is required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure; or

- (E) the person has the following criminal history:
 - (i) a conviction, deferred adjudication, or juvenile adjudication for a felony within the past ten years;
 - (ii) current probation or parole; or
 - (iii) a conviction, deferred adjudication, or juvenile adjudication for a jailable misdemeanor within the past five years.

- (3) To determine whether to approve or deny visitation based on criminal history, TJJD takes into consideration the nature and extent of the criminal record and the time elapsed since the criminal activity.
- (4) TJJD may not deny visitation for an immediate family member based solely on a review of criminal history record information.
- (5) Only the division director over residential services or his/her designee may deny visitation.
- (6) If TJJD denies placing a person's name on a youth's approved visitor list, TJJD must provide written notice to the person and the youth. The notice must include the reason for the denial and an explanation of the right to file a grievance to appeal the decision.

(f) **Visitation Scheduling.**

(1) **Visitation Days.**

Visitation days are, at a minimum, each Saturday and Sunday and major holidays.

(2) **Visitation Hours.**

The facility must provide two eight-hour visitation days per week. The facility may provide extended visitation hours, as designated by the CLA or designee.

(3) **Length of Visitation.**

(A) **Youth Not Assigned to the Security Unit.**

Visitation for youth not assigned to the security unit is at least two hours per each visitation, if behavior permits.

(B) **Youth Assigned to the Security Unit.**

Visitation for youth assigned to the security unit is at least one hour per each visitation, if behavior permits.

(4) **Number of Visitors.**

There is no limit to the number of visitors per visitation. However, a youth is allowed only two face-to-face contact visitors at any one time during each visitation, unless the CLA or designee grants an increase in the number of face-to-face contact visitors for the visitation period.

(g) **Conditions of Visitation.**

(1) **Location.**

- (A) Adequate space is provided for visitation. Outdoor visitation may be allowed if safety and weather permit.

- (B) Visitation for youth housed in a security unit occurs in the security unit. For visitation in a security unit, the CLA or designee may limit approved visitors to parents/guardians and grandparents.

(2) **Private Parental Visitation.**

Parents have the right to private, in-person communication with their child for reasonable periods of time. The time, place, and conditions of the private, in-person communication may be regulated only to prevent disruption of scheduled activities and to maintain the safety and security of the facility.

- (A) Private, in-person communication means communication between a parent and his/her child in a location where conversation cannot be overheard by staff.
- (B) Parents desiring to have private, in-person communication with their child are expected to make the request at least 24 hours before the visitation. Requests not made within 24 hours are accommodated if possible.

(3) **Special Visitation.**

Special visitation is provided at times that may vary from the regular visitation schedule to accommodate visitors with special circumstances including, but not limited to:

- (A) long-distance travel requirements;
- (B) parent work schedules that preclude visiting during normal hours; or
- (C) bereavement.

(4) **Contact Visitation.**

Visitors are allowed to hug the youth at the beginning and end of the visit.

(5) **Dress Code.**

Visitors must abide by the following dress code:

- (A) no shorts (an exception is made for visitors under age 13);
- (B) no open-toed shoes;
- (C) no miniskirts, see-through or sleeveless clothing, tops that expose the midriff, or any other clothing for visitors age 13 or older that is determined by staff to be too revealing, too short, or otherwise inappropriate;
- (D) suggestive, offensive, or derogatory body art must be covered (to the extent practical); and
- (E) no clothing depicting drugs, sex, gang culture, obscene language, or disrespect to other persons or ethnicities.

(h) **Removal From Visitation.**

- (1) TJJD will require the visitor to leave the facility and TJJD may notify local law enforcement if:

- (A) the visitor appears to be under the influence of drugs or alcohol;
- (B) the visitor refuses to cooperate;
- (C) the visitor creates a disturbance;
- (D) the visitor is hostile to the point of disruption; or
- (E) evidence exists that the visitor has passed contraband to a youth or staff member or aided a youth in an escape or attempted escape.

- (2) If local law enforcement is notified, any further action will be at the discretion of the local law enforcement.

(i) **Denial of Visitation for TJJD Youth.**

Youth may be denied a scheduled visit if there is a compelling risk to the safety of other youth or visitors or the security of the facility, including circumstances in which the youth is:

- (1) out of control and it is unsafe to allow visitation;
- (2) assaultive or threatens to engage in assaultive conduct during visitation; or
- (3) engaging in misconduct during visitation.

(j) **Denial of Visitation for TJJD Facility or Housing Unit.**

- (1) If a dorm is on a temporary schedule restriction, youth are allowed visitation unless youth individually meet criteria for denial of visitation.
- (2) Denial of visitation for an entire housing unit or facility due to unrest or any other extraordinary situation must be approved by the division director over residential facilities or his/her designee.

(k) **Refusal of Visitation.**

Youth may refuse to receive visitors.

(l) **Staff Availability During Visitation.**

Staff members must be available to answer visitors' questions and address concerns during visitation hours.

(m) **Publication of Visitation Rules.**

The facility must post the visitation rules in English and Spanish on a central bulletin board and assist other non-English speaking individuals to understand posted rules, as needed. The visitation rules must:

- (1) address all pertinent issues including, but not limited to, visitation days and hours, required identification, visitor dress code, prohibited contraband, items authorized in visitation area, and expected demeanor of visitors; and
- (2) be sent with the admission letter to each youth's parents or legal guardian.

(n) **Grievance and Complaint Process.**

(1) **Visitation Grievances.**

Grievances by immediate family members or youth with regard to visitation are filed under [§380.9331](#) of this title.

(2) **Public Complaints.**

Complaints by members of the public with regard to visitation are filed under [§385.8111](#) of this title.

(o) **Check-In Process.**

(1) **Registration.**

All visitors must register upon entry to a facility.

(2) **Identification.**

(A) Adult visitors must produce valid picture identification for themselves and accompanying visitors age 13 or older. Acceptable picture identification includes:

- (i) valid state driver's license;
- (ii) state-issued identification card;
- (iii) current military identification;

- (iv) school-issued identification card;
- (v) other official picture identification; or
- (vi) a TJJD volunteer identification badge.

(B) Visitors age 13 or older are issued a temporary identification badge.

(3) **Prohibited Items.**

Items brought onto agency property may be limited and regulated by TJJD. Visitors are allowed to bring in only the items listed in this paragraph unless the control center posts a list of additional items allowed. The additional items must be approved by the CLA. Visitors are allowed to bring:

- (A) identification;
- (B) a bottle and diaper-changing items (for visitors with infants); and
- (C) up to ten dollars in coins, if vending machines are available. TJJD youth are not permitted to handle the money.

(4) **Searches.**

- (A) All individuals, vehicles, and items entering the facility are subject to search. For more information regarding entry searches, see [§380.9710](#) of this title.
- (B) Parking lots are subject to inspection by TJJD's canine (K-9) teams. Law enforcement may be notified when necessary. See [§380.9713](#) of this title for more information regarding inspections of parking lots.
- (C) In facilities equipped with metal detectors, visitors must declare at the control center all metal items on their person and must successfully pass through the metal detector. Visitors refusing or failing to pass successfully through a metal detector are denied access.
- (D) Visitors' refusal to submit to a search of their person or personal property may be considered legitimate grounds for denying access to the facility.

(p) **Individual Exceptions.**

The executive director may make exceptions to the provisions of this rule on a case-by-case basis or in emergency situations.

See [INS.57.05](#) and [HWH.21.01](#) for implementation procedures.