

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 7/1/19 Page: 1 of 4 Replaces: GAP.380.9315, 10/1/15
Subchapter: Youth Rights and Remedies	
Rule: Youth Mail	
Statutes: Human Resources Code §242.056	
References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(D)	

RULE

(a) **Purpose.**

The purpose of this policy is to promote open mail communication for youth in residential facilities and to establish limitations on youth mail only as necessary to provide for safety and security and to prevent the introduction of contraband.

(b) **Applicability.**

This rule applies only to youth in residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) **Definitions.**

As used in this rule, the following terms have the following meanings.

- (1) **Contraband**--Has the meaning assigned by [§380.9107](#) of this title.
- (2) **Family Member**--Father, mother, sibling, step-relationship to any of the preceding, grandparent, or spouse. Family member may also include other relatives as approved by the executive director or designee on a case-by-case basis.
- (3) **General Correspondence**--Written correspondence, other than special or legal correspondence, that is addressed to or from a youth and that is deposited for delivery in a regular postal service. General correspondence also includes any other item contained in the envelope or package.
- (4) **Legal Correspondence**--Correspondence mailed directly from or to:
 - (A) an attorney representing the youth or from whom the youth is seeking representation (includes an attorney on a civil or criminal case);
 - (B) a court; or
 - (C) a legal organization.
- (5) **Special Correspondence**--Correspondence mailed directly from or to the following persons:
 - (A) TJJD board members, TJJD administrators, employees of the TJJD Office of Inspector General, or other TJJD investigators;
 - (B) employees of the Office of the Independent Ombudsman for TJJD;
 - (C) government officials, including elected officials, law enforcement officials, and staff at embassies and consulates; or
 - (D) a member of the editorial or reporting staff of any newspaper, magazine, radio station, or television station listed in a major media directory.

(d) **General Provisions.**

- (1) Youth have the right to communicate through the mail with persons or organizations subject only to limitations established by this policy.
- (2) Money sent by mail to a youth is handled in accordance with [§380.9931](#) of this title.
- (3) Youth may receive magazines or other publications that are not considered contraband.
- (4) All mail is inspected for contraband.
 - (A) Incoming general correspondence is opened and inspected for contraband outside the youth's presence. Outgoing general correspondence is inspected for contraband prior to sealing.
 - (B) Incoming special and legal correspondence is opened and inspected for contraband in the youth's presence. Outgoing special and legal correspondence is inspected for contraband in the youth's presence prior to sealing.
- (5) Legal and special correspondence is not read unless it contains contraband and is used as evidence.
- (6) Incoming and outgoing general correspondence may be read outside the youth's presence.
- (7) General and special correspondence that is abandoned following a youth's unauthorized departure may be read to aid in the youth's apprehension.
- (8) Mail may not be withheld or otherwise censored unless the mail:
 - (A) contains contraband;
 - (B) refers to past criminal acts that have not been adjudicated or dismissed;
 - (C) refers to ongoing or future criminal acts;
 - (D) presents a direct threat the safety or security of the facility or youth;
 - (E) is sent to or received from a person on the prohibited mail list, as described in subsection (g) of this section; or
 - (F) is received from a person who has been issued a notice of stopped mail, as described in subsection (h) of this section.
- (9) Outgoing youth mail must have a return address listing:
 - (A) the youth's name and TJJD number;
 - (B) Texas Juvenile Justice Department; and
 - (C) the name and address of the youth's current facility.

(e) **Mail Containing Contraband or References to Criminal Acts.**

If mail contains contraband or refers to a criminal act, the entire package or letter and all its contents are seized.

- (1) If the mail will be used as evidence, TJJD staff members follow established chain-of-custody procedures.

- (2) If the mail will not be used as evidence, any contraband is removed and the mail is delivered, unless another provision of this policy limits or prohibits delivery of the mail.
- (3) Any contraband is disposed of in accordance with [§380.9711](#) of this title.

(f) **Mail That Presents a Direct Threat.**

If mail presents a direct threat to the safety or security of the facility or youth, censorship of the mail may include, but is not limited to, withholding delivery of the mail.

(g) **Prohibited Mail.**

- (1) Youth are prohibited from corresponding with:
 - (A) a person who objects to receiving mail from the youth;
 - (B) a minor whose parent or guardian has objected to the correspondence;
 - (C) a person who has been identified by the youth's parent or guardian as someone who should not correspond with the youth, unless that other person is a family member, legal correspondent, or special correspondent (this provision applies only to TJJD youth under age 18);
 - (D) an inmate of a jail or prison, unless the inmate is a family member;
 - (E) a youth under TJJD jurisdiction, unless the youth is a family member; or
 - (F) anyone, including victims, whom the youth is prohibited from contacting as a result of a court order.
- (2) The executive director or designee may make exceptions on a case-by-case basis regarding individuals permitted to correspond with youth, based on whether it is in the youth's best interests to correspond with the individual.
- (3) Incoming mail from a person listed in paragraph (1) of this subsection will be returned to the sender if a return address is present or returned to the post office as undeliverable if a return address is not present, unless another provision of this policy limits or prohibits the return of the mail.
- (4) Outgoing mail to a person listed in paragraph (1) of this subsection will be returned to the youth, unless another provision of this policy limits or prohibits the return of the mail.

(h) **Stopped Mail.**

- (1) The executive director or designee may issue a notice of stopped mail when a person who is eligible to correspond with a youth attempts to:
 - (A) send contraband to a youth that would be a violation of law or that creates a safety or security risk; or
 - (B) send mail that presents a threat to the safety or security of the facility or youth.
- (2) When a notice of stopped mail has been issued:
 - (A) all future mail from the sender will be returned, regardless of content; and
 - (B) the youth is provided a copy of the notice.

- (3) The notice of stopped mail must specify a time period of up to six months, after which the person may resume correspondence with the youth.

(i) **Review Procedures for Returned Mail, Withheld Mail, and Stopped Mail.**

- (1) Youth must be notified in writing of incoming mail that is returned to the sender, outgoing mail that is not deposited for delivery, and any mail that is withheld. The notice must describe the mail and the reason(s) it was not delivered in sufficient detail to permit effective use of the youth grievance process.
- (2) Senders of incoming mail that is returned or withheld must be notified of the action in writing and may request the reason(s) the mail was not delivered. TJJJD writes or stamps on the envelope the reason for any returned mail or the telephone number to contact for this information.
- (3) A youth or a person corresponding with a youth who has had his/her mail returned or withheld or who received a notice of stopped mail may request a review of the action by filing a grievance under [§380.9331](#) of this title.

(j) **Postage and Time of Delivery.**

- (1) There is no limit on the number or length of incoming or outgoing letters. TJJJD provides each youth with postage and stationery for at least three one-ounce domestic letters per week. Additional postage and stationery are provided for letters to attorneys or courts, as needed.
- (2) Delivery of incoming and outgoing mail may not be delayed any longer than is reasonably necessary to accomplish the purposes established by this policy.
- (3) First-class letters and packages are forwarded to:
 - (A) a youth's assigned placement following the youth's transfer, transition, or release; or
 - (B) a youth's address on file following the youth's discharge.

See [INS.55.05](#) for implementation procedures.