

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/15/16
Subchapter: General Provisions	
Division: Youth Funds	Page: 1 of 3
Rule: Student Trust Fund	Replaces: GAP.380.9931, 11/8/05
ACA: 4-JCF-3A-13, 6B-02, 6B-12, 6B-13	
Statutes: Human Resources Code §242.063	

RULE

(a) **Purpose.**

This rule provides banking privileges for youth in certain residential facilities through a student trust fund system.

(b) **Applicability.**

This rule applies to high-restriction and medium-restriction facilities operated by the Texas Juvenile Justice Department (TJJD), except orientation and assessment units.

(c) **General Provisions.**

- (1) TJJD maintains a student trust fund account for each youth who receives personal funds while in a residential facility operated by TJJD other than an orientation and assessment unit.
- (2) The facility administrator is the trustee for the student trust fund in his/her facility.
- (3) TJJD is not responsible for funds that are:
 - (A) sent to a youth through the mail and are not received by TJJD; or
 - (B) lost or stolen after being transferred to a youth's possession upon release or discharge.

(d) **Sending Funds to TJJD Youth.**

- (1) TJJD provides parents/guardians with written instructions for sending funds to TJJD youth through the mail. Funds sent through the mail may be returned to the sender if the instructions are not followed.
 - (A) Envelopes containing funds for youth must be addressed to the facility business office.
 - (B) Any personal check, money order, or cashier's check must be payable to the youth's facility and must include the youth's name and TJJD number on the personal check, money order, or cashier's check.
- (2) Funds from deposit of personal checks or money orders, with the exception of U.S. Postal Service money orders, will not be available for use for 15 calendar days after deposit to allow the funds to clear the financial institution.
- (3) When TJJD receives funds for a youth, TJJD provides the youth a receipt. If the funds and accompanying correspondence are returned to the sender, TJJD provides the youth a copy of the correspondence.

(e) **Withdrawing Funds.**

- (1) A youth may withdraw money for specific purposes according to the youth's progress in the agency's positive reinforcement and privilege system described in [§380.9502](#) of this title. Youth in high-restriction facilities are not permitted to handle the withdrawn funds.

- (2) TJJD may not withdraw money from a youth's student trust fund account without the youth's consent except when TJJD is charged by the bank for a problem related to a deposit, such as a charge for insufficient funds. In these cases:
 - (A) TJJD may withdraw from the youth's account an amount not to exceed the amount of the charge; and
 - (B) if an amount is withdrawn, TJJD must provide written notice to the youth.

(f) **Savings Accounts.**

- (1) TJJD provides an opportunity to establish a savings account at a bank within a reasonable distance from the youth's facility for each youth who:
 - (A) has a balance of \$5,100 or more in his/her student trust fund account; and
 - (B) is expected to remain at his/her current facility for at least six months.
- (2) For youth who establish a savings account:
 - (A) the youth must maintain at least \$100 in his/her student trust fund account at all times;
 - (B) the youth must maintain a minimum balance in his/her savings account equal to or greater than the minimum balance required without a service charge by the bank; and
 - (C) interest on the savings account accrues to the youth.

(g) **Forwarding and Disbursing Funds When Youth Leave the Facility.**

- (1) When a youth is moved to a residential facility operated by TJJD, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility.
- (2) When a youth is moved to a residential facility operated under contract with TJJD, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility only if the facility has a banking system for residents.
- (3) When a youth is moved to a facility operated under contract with TJJD and the facility does not have a banking system for residents, TJJD notifies the youth that TJJD will hold the full amount of the youth's student trust fund balance until the youth:
 - (A) designates in writing a third party to receive the funds; or
 - (B) requests the funds upon release from the facility.
- (4) When a youth is released from a TJJD residential facility and is placed on parole in a home location, the current balance of the youth's student trust fund account determines how the funds are disbursed.
 - (A) If the youth's balance is \$50 or less, the total amount is withdrawn and given to the youth in cash, check, or money order upon his/her departure from the facility.
 - (B) If the youth's balance is more than \$50, the youth is given up to \$50 in cash upon his/her departure and a check for the remaining balance is mailed to the youth's parole officer. The parole officer provides the check for the remaining balance to the youth during the youth's first scheduled visit to the parole officer.
- (5) When a youth in a TJJD residential facility is discharged from TJJD and is sent to any type of residential placement, such as the Texas Department of Criminal Justice, an Immigration and Customs Enforcement detention facility, or a group home, the youth chooses whether TJJD mails a check for the total balance of the youth's student trust fund account to:
 - (A) the receiving entity; or
 - (B) a third party designated in writing by the youth.

- (6) When a youth in a TJJD residential facility is discharged from TJJD and is not sent to another residential placement, the current balance of the youth's student trust fund account determines how the funds are disbursed.
- (A) If the youth's balance is \$50 or less, the total amount is withdrawn and given to the youth in cash, check, or money order upon his/her departure.
- (B) If the youth's balance is more than \$50, the youth is given up to \$50 in cash upon his/her departure and a check or money order for the remaining balance is given to the youth upon his/her departure or is mailed to his/her home address.
- (7) If a youth's student trust fund account cannot be closed when the youth leaves a TJJD facility because of holds or for any other reason, the funds are held by TJJD and are disbursed in accordance with paragraphs (1)-(6) of this subsection once the account is cleared of any questions.

See [Chapter 45 of the Accounting Procedure Manual](#) for implementation procedures.