

Chapter: Agency Management and Operations	<b>Effective Date: 5/1/22</b>
Subchapter: Interaction with the Public	Page: 1 of 2
<b>Rule: Rights of Victims</b>	Replaces: GAP.385.8135, 12/1/16
Statutes: <a href="#">Family Code, Chapter 57</a> ; <a href="#">Government Code §552.1315</a>	

## **RULE**

### **(a) Purpose.**

This rule addresses the rights of victims as described in [Texas Family Code Chapter 57](#) and Texas Code of Criminal Procedure Article 56.02 and allows victims to provide input into the release process of youth committed to the Texas Juvenile Justice Department (TJJD).

### **(b) Applicability.**

All of the rules and procedures afforded to a victim of a youth in TJJD custody, as indicated by the use of the term *victim* in this section, are equally afforded to the guardian of a victim or close relative of a deceased victim.

### **(c) Definitions.**

- (1) **Victim**--a person who as the result of the delinquent conduct of a child suffers a pecuniary loss or personal injury or harm.
- (2) **Close relative of a deceased victim**--a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (3) **Guardian of a victim**--a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

### **(d) Victim Confidentiality.**

- (1) Information in a Juvenile Victim Impact Statement or information submitted in the preparation of this statement is confidential with regard to the victim's name, social security number, address, telephone number, and any other information that would identify or tend to identify the victim.
- (2) Any information obtained from or about a victim may not be shared with youth and may be disclosed only as provided by law.
- (3) Any information that identifies an individual as a victim of an offense under [Section 20A.02](#), [20A.03](#), [21.02](#), [21.11](#), [22.011](#), [22.021](#), [43.05](#), or [43.25](#), Penal Code, or of any other offense that is part of the same criminal episode as one of those offenses is confidential and may be disclosed only as provided by law.
- (4) Any information that identifies an individual as a victim of an offense that was committed when the victim was younger than 18 is confidential and may be disclosed only as provided by law.

### **(e) Victim's Right to Information.**

- (1) A victim may request, in writing, any of the information listed below:
  - (A) information concerning the procedures for release or transfer of the youth from one program placement to another, including to the custody of the Texas Department of Criminal Justice (TDCJ);

- (B) notification of:
  - (i) release to TJJD parole;
  - (ii) placement in a facility of less than high restriction; and
  - (iii) discharge from TJJD supervision, including discharge upon transfer to the TDCJ Correctional Institutions Division (TDCJ-CID) or TDCJ Parole Division (TDCJ-PD).
- (2) If there is a signed request from the victim, the information is sent to the victim's most current address on file.
- (3) For a victim who has requested information concerning a youth, TJJD staff may reveal only the following:
  - (A) that the youth is under TJJD's supervision;
  - (B) the youth's minimum length of stay and/or minimum period of confinement;
  - (C) the committing offense in which the victim was involved;
  - (D) the youth's conditions of parole supervision (except specialized treatment) and, if the youth is living at a TJJD residential placement, the physical address of that placement;
  - (E) information about TJJD's release review process and an invitation to participate in that process;
  - (F) that the youth has been transferred to another location and the name of that location, unless the program is only for substance abuse and/or mental health treatment;
  - (G) the name of the youth's caseworker and/or parole officer; and
  - (H) general information about the agency's rehabilitation program without revealing specific information regarding the youth's treatment.

(f) **Victim's Right to Participation.**

- (1) A victim may provide information to be considered by TJJD. Information provided by the victim shall be considered:
  - (A) when evaluating the youth's progress in the rehabilitation program, to include when determining if the youth has successfully completed the rehabilitation program or should be transitioned to a placement of less than high restriction;
  - (B) by the Release Review Panel when determining if the youth should be paroled, be discharged, or remain in a TJJD or contract facility on institutional status for further rehabilitation; and
  - (C) when making decisions regarding the possible transfer of a youth with a determinate sentence to TDCJ-CID or TDCJ-PD.
- (2) If the victim requests in writing and receives permission to provide input in person or by videoconference or teleconference, the victim will be provided the opportunity to do so.
- (3) Victims who provide input in person are provided a waiting area separate from any location where they might encounter the youth.

(g) **Victim Appeal.**

The victim has no right of appeal in any TJJD decision.

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