

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department

Chapter 349 General Administrative Standards

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Subchapter A Definitions and General Requirements

§349.100 Definitions

Effective Date: 9/1/25

The words and terms used in this chapter shall have the following definitions unless the context clearly indicates otherwise.

- (1) **Abuse, Neglect, and Exploitation**--these terms have the definitions provided in [Chapter 358 of this title](#).
- (2) **Administrator**--regardless of title, the chief administrative officer of a juvenile probation department, juvenile justice program, juvenile justice facility, or non-juvenile justice contract facility.
- (3) **Administrative Designee**--the role assigned to the administrator when a preponderance of evidence determines that the proximate cause of the abuse, neglect, or exploitation was based on policies and procedures under the direct control of the administrator.
- (4) **Attorney of Record**--a person licensed to practice law in Texas who has provided TJJD with written notice of representation.
- (5) **Authorized Representative**--an attorney authorized to practice law in the State of Texas or, if authorized by applicable law, a person designated by a party to represent the party.
- (6) **Board**--the Texas Juvenile Justice Board, the governing board of TJJD.
- (7) **Certification Action**--an action taken by TJJD with regard to a certification as a juvenile probation, supervision, or community activities officer, to include disciplinary action, designation of ineligibility, and temporary suspension.
- (8) **Certified Officer**--an individual who holds a certification as a juvenile probation, supervision, or community activities officer from TJJD, including a provisional certification.
- (9) **Chief Administrative Officer**--regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including a juvenile probation department with multi-county jurisdiction.
- (10) **Code of Ethics**--the Certified Officer Code of Ethics contained in [Chapter 345 of this title](#).
- (11) **De Novo Review**--a review that decides an issue without deference to a conclusion or assumption made by a prior review, finding, or holding; a review that decides the issue as though the decision is being made for the first time.
- (12) **Department**--a juvenile probation department.
- (13) **Executive Director**--the executive director of TJJD.
- (14) **Facility Administrator**--an individual designated by the chief administrative officer or governing board of a juvenile justice facility as the on-site program director or superintendent of a secure facility.
- (15) **Juvenile**--a person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, housed in a non-juvenile justice contract facility pursuant to an order of the juvenile court, or participating in a juvenile justice program, including a prevention and intervention program, regardless of age.
- (16) **Juvenile Justice Facility ("facility")**--a facility that is registered by TJJD pursuant to [Sections 51.12, 51.125, or 51.126, Family Code](#).
- (17) **Juvenile Justice Program ("program")**--a program or department that:
 - (A) serves juveniles under juvenile court or juvenile board jurisdiction; or

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- (B) is operated wholly or partly by the juvenile board or by a private vendor under a contract with the juvenile board. The term includes:
 - (i) a juvenile justice alternative education program;
 - (ii) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court or juvenile board; and
 - (iii) a juvenile probation department.
- (18) **Non-Juvenile Justice Contract Facility**--a facility in which a juvenile is placed pursuant to a contract with a department, program, facility, or juvenile board, other than a facility registered with TJJD.
- (19) **Respondent**--a person who is the subject of a certification action under this chapter.
- (20) **SOAH**--State Office of Administrative Hearings.
- (21) **Subject**--a person alleged or found to be responsible for the abuse, neglect, or exploitation of a juvenile through the person's actions or failure to act.
- (22) **TJJD**--the Texas Juvenile Justice Department.
- (23) **Victim**--a juvenile who is alleged or found to be a victim of abuse, neglect, or exploitation.

§349.110 Interpretation

Effective Date: 9/1/25

(a) **Headings.**

The headings in this chapter are for convenience only and are not intended as a guide to the interpretation of the standards in this chapter.

(b) **Including.**

Unless the context clearly indicates otherwise, the words "include," "includes," and "including," when following a general statement or term, are to be understood as introducing a non-exhaustive list.

(c) **Time.**

Any period of days set forth in this chapter is computed as set forth in [Section 311.014, Government Code](#). Unless otherwise specified, a period of "days" means "calendar days." When this chapter requires or allows an act by any party other than TJJD to be done at or within a specified time period, the executive director or Board may, for good cause shown, order the period extended or permit the act to be done after the expiration of the specified period.

§349.120 Authorized Delegation

Effective Date: 9/1/25

- (a) The executive director may designate another TJJD employee to perform the executive director's duties under this chapter.
- (b) The designation must be in writing.

Subchapter B Administrative Provisions

§349.200 Waivers and Variances

Effective Date: 9/1/25

- (a) **Purpose.**

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- (1) The purpose of a waiver is to excuse a department or facility from the requirement to comply with a particular TJJD standard for a defined period of time when compliance with the standard is not possible due to an event outside of the department's or facility's control.
- (2) The purpose of a variance is to provide a mechanism for a department or facility to comply with the intent of a TJJD standard in a different manner than is set out in the standard when compliance with the standard is not possible.

(b) **Applicability.**

- (1) A waiver or variance may be granted for any standard, following this process, unless:
 - (A) another administrative rule prohibits or provides a different means for a waiver or variance; or
 - (B) the standard is required by state or federal law and the corresponding law does not expressly permit a waiver or variance.
- (2) A waiver or variance may be conditioned on continued compliance with certain terms, as determined by TJJD or the Board, as applicable.

(c) **Request.**

- (1) The juvenile board, chief administrative officer, or facility administrator may submit a request for waiver or variance to TJJD. If the chief administrator or facility administrator submits the request, approval from the juvenile board chair or designee must be included.
- (2) A request for a waiver must be submitted on a form provided by TJJD, must state the length of time for which the waiver is requested, and must explain:
 - (A) why compliance with the standard(s) cannot be achieved;
 - (B) what undue hardship would be experienced by the department or facility if the waiver is not granted;
 - (C) what impact the waiver would have on compliance with other standards;
 - (D) how the health and safety of juveniles will be maintained during the duration of the waiver; and
 - (E) how issuing the waiver would not put TJJD or the juvenile board, department, or facility in violation of any state or federal law.
- (3) A request for a variance must be submitted on a form provided by TJJD, must state the length of time for which the variance is requested, and must explain:
 - (A) why compliance with the standard(s) cannot be achieved;
 - (B) what undue hardship would be experienced by the department or facility if the variance is not granted;
 - (C) what impact the variance would have on compliance with other standards;
 - (D) how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
 - (E) how the health and safety of juveniles will be maintained if the variance is granted; and
 - (F) how issuing the variance would not put TJJD or the juvenile board, department, or facility in violation of any state or federal law.

(d) **Incomplete Requests.**

- (1) At the sole discretion of TJJD, any request for waiver or variance that does not include all required information will be deemed incomplete and returned to the requestor for completion.
- (2) No timelines for response begin until the request is complete. An incomplete request will not be presented to the executive director or the Board.

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- (3) TJJD will inform the requestor regarding which parts of the request are incomplete and provide a minimum of 20 days for the requestor to complete the request. If the request is not completed by the date specified by TJJD, the request will be deemed withdrawn.
 - (4) TJJD will maintain records of incomplete and withdrawn requests.
- (e) **Executive Director Authority to Grant a Waiver or Variance.**
- (1) The executive director may grant a waiver for a period of up to 180 days, but only if the executive director makes the following affirmative findings:
 - (A) circumstances outside of the department's or facility's control make it impossible to comply with the standard without undue hardship on the requesting department or facility;
 - (B) the health and safety of juveniles will be maintained if the waiver is granted; and
 - (C) the waiver will not put TJJD or the juvenile board, department, or facility in violation of any state or federal law.
 - (2) The executive director may grant a variance for a period of up to 180 days, but only if the executive director makes the following affirmative findings:
 - (A) the standard cannot be complied with without undue hardship on the requesting department or facility;
 - (B) the requesting department or facility will comply with the intent and purpose through alternative methods;
 - (C) the health and safety of juveniles will be maintained if the variance is granted; and
 - (D) the variance will not put TJJD or the juvenile board, department, or facility in violation of any state or federal law.
- (f) **Process.**
- (1) The executive director will respond to a completed request for waiver or variance within 30 days. If unable to do so, TJJD will inform the requestor of the reasons for the delay.
 - (2) If the request for waiver or variance indicates that it is needed for more than 180 days and the executive director grants the request for any period up to 180 days, the requested waiver or variance will also be presented to the Board for review in accordance with subsection (g) of this section.
 - (3) If the request for waiver or variance, or extension thereof, is denied, the juvenile board, chief administrative officer, or facility administrator may request a review by the Board, in accordance with subsection (g) of this section.
- (g) **Board Review of Request for Waiver or Variance.**
- (1) Except as provided by paragraph (7) of this subsection, only the Board may grant a waiver or variance for a period in excess of 180 days. When appropriate, the Board may grant a permanent variance, with or without conditions. No permanent waivers will be granted.
 - (2) If the executive director has granted a waiver or variance for which the request indicated it was needed for more than 180 days, the request will be presented to the Board for review at the next Board meeting where waivers and variances will be considered, provided there is adequate time to place the item on the agenda.
 - (3) If the executive director denies a request for waiver or variance, the juvenile board, chief administrative officer, or facility administrator may request a review on a form provided by TJJD. If the chief administrative officer or facility administrator submits the request for review, approval from the juvenile board chair or designee must be included. If the approval is from the designee, that designation must be in writing and included with the request for review. The review will occur at the next Board meeting where waivers or variances will be considered, provided there is adequate time to place the item on the agenda.

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- (4) The department or facility requesting the waiver or variance is responsible for appearing at the Board meeting to explain the request and answer any questions from the Board.
- (5) When appropriate, TJJD staff will make a recommendation to the Board regarding whether or not to grant the waiver or variance.
- (6) The Board may grant a waiver or variance only if it makes an affirmative finding that the criteria in subsection (e) exist.
- (7) If the executive director grants a waiver or variance that will expire prior to the Board meeting at which the waiver or variance will be considered, the executive director may extend the existing waiver or variance until the Board meeting.

§349.210 Code of Ethics Violations

Effective Date: 9/1/25

(a) **Duty to Report.**

Every person with a certification from TJJD is obligated to report to TJJD when the person has reason to believe that another certified officer has engaged in a violation of the Code of Ethics. Failure to report may result in disciplinary action against the certification.

(b) **Notification to TJJD.**

The chief administrative officer, facility administrator, or juvenile board shall notify TJJD's Office of General Counsel when a Code of Ethics violation has been committed by a certified officer, except when the conduct is the subject of a TJJD investigation into an allegation of abuse, neglect, or exploitation.

(c) **Timelines.**

If the investigation is conducted pursuant to a request by TJJD, the investigation must be provided to TJJD in accordance with the timelines in [Section 349.220 of this chapter](#). Otherwise, the chief administrative officer, facility administrator, or juvenile board shall provide TJJD with a copy of the internal investigation into the Code of Ethics violation no later than 10 days after the investigation is completed. The chief administrative officer or facility administrator must also provide a copy of the internal investigation to the juvenile board.

§349.220 Complaints

Effective Date: 9/1/25

- (a) When TJJD receives a complaint about a juvenile board, certified officer, or employee of a department, facility, or non-juvenile justice contract facility, TJJD staff shall review the circumstances surrounding the complaint to determine the most appropriate course of action.
- (b) If the complaint involves an allegation of abuse, neglect, or exploitation of a juvenile, the complaint will be addressed in accordance with [Chapter 358 of this title](#).
- (c) Except as provided by subsection (d) of this section, if the complaint involves an allegation of conduct that, if true, would constitute a violation of the Code of Ethics, the complaint will be referred to the chief administrative officer or facility administrator, as appropriate, who must ensure that an investigation is completed and a report of the investigation provided to TJJD within 90 days of the referral.
- (d) If the complaint involves conduct of the chief administrative officer that, if true, would constitute a violation of the Code of Ethics, the complaint will be referred to the juvenile board chair, who must ensure that an investigation is completed and a report of the investigation provided to TJJD within 90 days of the referral.
- (e) If the complaint is about juvenile services within the discretion of the juvenile board and not otherwise addressed by this section, TJJD will forward the complaint to the juvenile board chair and chief administrative officer or facility administrator, as appropriate. The complainant will be notified in writing of this referral.
- (f) If the complaint involves an allegation that a juvenile board has violated TJJD rules or standards or the terms of a grant or contract with TJJD, TJJD staff shall investigate the matter and take appropriate action depending on the outcome of the investigation.

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- (g) If the complaint involves an individual with a license or certification from an entity other than TJJD, the complaint will be forwarded to the licensing entity. If TJJD conducts an investigation related to the complaint, the results of the investigation will be provided to the licensing entity.

§349.230 Violation by Juvenile Board

Effective Date: 9/1/25

- (a) If TJJD determines the juvenile board, including the department or facility under the juvenile board's jurisdiction, has violated TJJD rules or standards or the terms of the State Financial Assistance Contract, TJJD shall notify the juvenile board in writing of the violation.
- (b) Upon written notice of the violation, the juvenile board shall be given 90 days to achieve compliance or to propose a plan to achieve compliance that is acceptable to TJJD. TJJD may agree to extend this timeline.
- (c) If TJJD and the juvenile board cannot reach an agreement, TJJD shall give the juvenile board written notice of its intent to refuse, reduce, or suspend state aid under [§223.005, Human Resources Code](#). Upon receipt of the above notice, the juvenile board shall have 15 days to:
- (1) provide written notice to the executive director of the juvenile board's compliance;
 - (2) propose in writing an alternate solution; or
 - (3) provide a written appeal of TJJD's action(s) to the executive director.
- (d) The juvenile board's appeal must state specifically any difference of opinion with the TJJD staff concerning the facts in dispute and the solution necessary under the standards or rules of TJJD. The appeal shall state whether the juvenile board requests a hearing before the Board.
- (e) TJJD will set the appeal on the agenda for its next regularly scheduled meeting, provided there is sufficient time to place the item on the agenda. The juvenile board and TJJD staff may appear and make oral presentations concerning the appeal.
- (f) The complainant shall be notified in writing upon receipt of the complaint and upon resolution.

§349.240 Mandatory Suspension for Failure to Pay Child Support

Effective Date: 9/1/25

(a) **Suspension.**

Upon receipt of an order suspending certification for failure to pay child support issued under [§232.008](#) or [§232.009, Family Code](#), TJJD shall suspend the certified officer's certification.

(b) **Notice of Suspension.**

- (1) TJJD shall notify the individual subject to a suspension order received under subsection (a) of this section that the agency has formally suspended the individual's certification.
- (2) The notice shall also instruct that the individual may not perform the duties of a certified officer while the suspension order is in effect.
- (3) TJJD shall also notify the chief administrative officer or facility administrator and the juvenile board of the employing department, facility, or program of the suspension.

(c) **Length of Suspension.**

A certification suspension under this section shall remain in effect until TJJD receives an order issued under [§232.013, Family Code](#), that either vacates or stays the suspension.

(d) **Employment.**

An individual subject to a suspension order issued under subsection (a) of this section may not be employed in a position requiring certification, granted certification, or have the certification renewed while the suspension order remains in effect.

(e) **Appeal.**

An order under this section is not subject to appeal.

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(f) **Waiver or Variance.**

This provision is not subject to a waiver or variance.

§349.250 Administrative Review of Investigation Findings

Effective Date: 9/1/25

- (a) Any person confirmed by TJJD to have engaged in conduct meeting the definition of abuse, neglect, or exploitation in an investigation conducted under [Chapter 358 of this title](#), including a person named as an administrative designee as a result of an investigation, may request an administrative review of the investigation findings. An administrator may make the request on behalf of the individual.
- (b) The request must be made in writing no later than the 10th day after receiving TJJD's written notice of the investigation findings.
- (c) If civil or criminal proceedings related to an allegation that TJJD has investigated are pending when the administrative review is requested, or if such proceedings are initiated before TJJD begins the review, TJJD may postpone the review until the proceedings are completed.
- (d) If, as part of the administrative review, TJJD chooses to interview a subject or administrative designee who does not speak English or is hearing impaired, TJJD will provide a certified translator or interpreter unless the subject or administrative designee chooses to provide one, in which case the subject or administrative designee is responsible for all translation or interpretation costs incurred in connection with the review.
- (e) The administrative review is conducted by an attorney in the TJJD Office of General Counsel. The attorney may not have advised or otherwise worked on the investigation that is the subject of the administrative review.
- (1) The administrative review is a de novo review. The purpose of the review is to determine if there is a preponderance of evidence to establish that the subject or administrative designee engaged in conduct meeting the definition of abuse, neglect, or exploitation, as set out in [Chapter 358 of this title](#).
 - (2) The attorney may interview witnesses and gather additional evidence at the attorney's discretion. The attorney may request the assistance of the TJJD Office of Inspector General in doing so.
 - (3) The attorney confirms or revises TJJD's original investigation findings based on TJJD's administrative rules and policies and prepares a written report explaining the decision.
 - (4) Within 45 days after receiving the request for review, TJJD notifies the subject or administrative designee of the outcome of the review. If necessary, the time period may be extended. If there is an extension, TJJD will notify the subject or administrative designee and provide an estimated completion date.
- (f) If the administrative review results in changes to the original findings, TJJD will:
- (1) enter the revised findings into the investigation record; and
 - (2) notify each person who was notified of the original findings that the findings have been revised.
- (g) This section does not apply to an investigation conducted under [Section 380.9333 of this title](#).

§349.260 Representation

Effective Date: 9/1/25

- (a) A subject or administrative designee may choose to appear with or without an attorney or other authorized representative throughout the administrative review process. The subject or administrative designee is responsible for the costs of representation.
- (b) A party's attorney of record shall remain the attorney of record unless the attorney submits a formal request to withdraw to the TJJD attorney involved in the matter except that, if SOAH has acquired jurisdiction, the attorney must comply with SOAH's rules to withdraw.

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§349.270 Temporary Suspension Order

Effective Date: 9/1/25

- (a) TJJJ may issue an order temporarily suspending the certification, including a provisional certification, of a certified officer or temporarily making a former TJJJ employee ineligible for certification in accordance with [Sections 222.053](#) and [222.054, Human Resources Code](#).
- (b) [Section 2001.054, Government Code](#), applies to a suspension under this provision.

Subchapter C Certification Actions and Hearings

§349.300 Disciplinary Action

Effective Date: 9/1/25

- (a) TJJJ may impose disciplinary action when a certified officer has committed a violation of the Code of Ethics or has engaged in conduct that meets the definition of abuse, neglect, or exploitation involving a juvenile in a department, program, facility, or non-juvenile justice contract facility.
- (b) TJJJ may impose any of the following disciplinary actions, including a combination of disciplinary actions:
 - (1) written reprimand;
 - (2) revocation of certification;
 - (3) suspension of certification; or
 - (4) probated suspension of certification.
- (c) A certified officer is entitled to a hearing before SOAH if revocation, suspension, or probated suspension of the certification is the disciplinary action sought.
- (d) A majority vote of the Board is required to impose revocation, suspension, or probated suspension as disciplinary action on the certification.
- (e) Subject to Board approval, a certified officer may voluntarily surrender the certification in lieu of the imposition of disciplinary action. The acceptance may include a condition that the person is ineligible for future certification.

§349.302 Ineligibility for Certification

Effective Date: 9/1/25

- (a) TJJJ may make a person who is a former or current employee, volunteer, or contractor with TJJJ ineligible for certification if the person engaged in conduct meeting the definition of abuse, neglect, or exploitation or that is a violation of the Code of Ethics in TJJJ's personnel policy ([PRS.02.03](#)).
- (b) TJJJ may make a person who is a former or current employee, volunteer, or contractor with a department, program, facility, or non-juvenile justice contract facility ineligible for certification if the person engaged in conduct meeting the definition of abuse, neglect, or exploitation or that is a violation of the Code of the Ethics in [Chapter 345 of this title](#).
- (c) Except as provided by [Section 349.270 of this chapter](#), an individual is entitled to a hearing before SOAH before the person may be deemed ineligible for certification.
- (d) A majority vote of the Board is required to make a person ineligible for certification.

§349.304 Guidelines

Effective Date: 9/1/25

- (a) The purpose of these guidelines is to:
 - (1) provide a framework for analysis by staff members, administrative law judges, and the Board in making decisions regarding certification and disciplinary matters;
 - (2) promote consistency in the exercise of sound discretion in certification and disciplinary matters; and

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- (3) provide guidance in the resolution of potentially contested matters.
- (b) The following factors may be considered in seeking, proposing, or making a decision under this chapter:
 - (1) the seriousness of the violation, which may include:
 - (A) whether the conduct was in violation of a law;
 - (B) the nature and extent of the harm caused; and/or
 - (C) the frequency of and time period covered by the violation(s);
 - (2) the nature of the violation, which may include:
 - (A) the relationship between the respondent and the person harmed;
 - (B) the vulnerability of the person harmed;
 - (C) the degree to which the actions showed lack of good judgment; and/or
 - (D) the culpability of the respondent, such as whether the violation:
 - (i) was intentional or premeditated;
 - (ii) was due to blatant disregard or gross neglect;
 - (iii) resulted from simple error or negligence; and/or
 - (iv) evidences lack of integrity, trustworthiness, or honesty;
 - (3) the degree of personal accountability taken by the respondent, which may include:
 - (A) admission of wrongdoing and acceptance of responsibility;
 - (B) showing appropriate remorse or concern;
 - (C) making efforts to ameliorate the harm or make restitution;
 - (D) cooperation with an investigation or request for information; and
 - (E) attempts to deny or conceal the misconduct or falsify documents; and
 - (4) any other relevant factors, which may include:
 - (A) the respondent's record of training, length of service, position, job responsibilities, and performance history;
 - (B) the presence or absence of prior or subsequent violations;
 - (C) any other relevant circumstances, including aggravating or mitigating factors, such as environmental factors that may have contributed to the respondent's actions;
 - (D) disciplinary action taken in similar incidents; and
 - (E) disciplinary action taken by the employer and the employer's recommendation to TJJJD regarding certification action.

§349.310 Mandatory Revocation

Effective Date: 9/1/25

- (a) TJJJD staff shall seek to revoke or to deny the certification of any person who:
 - (1) engaged in or solicited any sexual conduct with a juvenile;
 - (2) engaged in a sexually related or otherwise inappropriate relationship with a juvenile, whether or not sexual conduct occurred;
 - (3) possessed or distributed child pornography; or
 - (4) was convicted of or placed on deferred adjudication for any offense requiring revocation under [Chapter 53, Occupations Code](#).

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- (b) Subsection (a) of this section does not limit the Board's authority to revoke or deny certification in accordance with this chapter.

§349.320 Notice and Service

Effective Date: 9/1/25

- (a) Notice and service in a contested case must comply with [§2001.052, Government Code](#), and any relevant administrative rules adopted by SOAH.
- (b) Preliminary notice of a certification action must be in writing and personally delivered to the respondent or sent via certified mail, return receipt requested, and regular mail to the respondent at the most recent address on file with TJJD.
- (c) A document sent by regular or certified mail is presumed received no later than three days after mailing. Service is presumed effected if the wrapper containing the document is not returned to TJJD.
- (d) If notice is not effected at the address on record with TJJD, TJJD may use any reasonable resources to locate an accurate address and may effectuate service there, following this section.
- (e) Service may be made by publication or any other alternate legal means, if necessary.
- (f) If TJJD seeks to take any certification action, other than written reprimand for a certified officer, TJJD shall provide the respondent with written notice that includes:
- (1) the name of the respondent;
 - (2) the certification number if the respondent is a certified officer;
 - (3) a short, plain statement of the facts or conduct alleged to warrant certification action;
 - (4) a statement of the legal authority and jurisdiction under which the action is to be taken;
 - (5) a reference to the particular sections of statute, administrative rule, or policy that the respondent officer is alleged to have violated;
 - (6) a description of the certification action TJJD is recommending be imposed; and
 - (7) an invitation for the respondent to show compliance with all requirements of the law for retention of the certification or eligibility for the certification.
- (g) The notice shall also include language in 12-point, boldface type that provides the respondent with notice that:
- (1) failure to file a written answer to this notification within 20 days may result in the Texas Juvenile Justice Board taking a default order;
 - (2) the written answer must include an admission or denial of each and every allegation included in the petition and must include any other matter, whether of law or fact, upon which respondent intends to rely for defense;
 - (3) a failure to admit or deny each allegation will result in the allegation being deemed true and may result in a default order;
 - (4) a default order means the Board will find the allegations in the attached petition to be true and will grant the action requested in the attached petition.

§349.330 Answer

Effective Date: 9/1/25

- (a) The respondent in a certification action matter has until 20 days after the service of the notice in §349.320 of this chapter to file a written response to TJJD and send it to the address provided in the notice.
- (b) The answer must admit or deny each of the allegations in the notice. If the respondent intends to deny only a part of an allegation, the certified officer must specify the portion that is not being challenged and deny only the remainder. Failure to deny an allegation will result in the allegation being deemed true.

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- (c) If the answer fails to admit or deny each of the allegations and instead only challenges the recommended action, the allegations will be deemed true and the action pursued. The answer must also include any other matter, whether of law or fact, upon which the respondent intends to rely for defense.

§349.340 Default

Effective Date: 9/1/25

- (a) If the respondent fails to file a response to the notice or the response fails to comply with the requirements in [§349.330](#), the matter will be considered as a default case.
- (b) In a case of default, the respondent will be deemed to have:
- (1) admitted the factual allegations in the notice that respondent did not deny;
 - (2) waived the opportunity to show compliance with the law;
 - (3) waived the opportunity for a hearing on the matter; and
 - (4) waived objection to the certification action recommended in the notice.
- (c) The executive director may recommend that the Board enter a default order based upon the allegations set out in the notice provided in [§349.320 of this chapter](#) and impose the certification action recommended in that notice.
- (d) Upon consideration of the case, the Board may:
- (1) enter a default order and impose the recommended certification action;
 - (2) enter a default order and impose a certification action that is less than what was recommended;
 - (3) refuse to enter a default order and instruct staff to reissue the notice with different allegations and/or different recommended certification action;
 - (4) instruct staff to dismiss the matter and close the file with no certification action; or
 - (5) order the matter set for hearing before SOAH.
- (e) A motion for rehearing that requests the Board vacate its default order under this section shall be granted if the respondent proves by a preponderance of the evidence that the failure to answer the formal charges was not intentional or the result of conscious indifference but instead was due to accident or mistake, provided that the respondent has a meritorious defense to the factual allegations contained in the formal charges and the granting thereof will not cause delay or otherwise create a hardship for the Board.

§349.350 Agreed Orders

Effective Date: 9/1/25

- (a) The Board's policy is to encourage the resolution of certification matters through voluntary settlement processes. Any matter within the Board's jurisdiction may be resolved informally by agreed order after the respondent has provided a response in accordance with [§349.330](#).
- (b) Communication during the settlement process may be conducted in any manner, including in-person, electronic, telephonic, video, or written communication.
- (c) Participation by the respondent and TJJD in any settlement process is voluntary and may be terminated by either party without prejudicing the right to proceed with a contested case.
- (d) An agreed order may contain such terms as the executive director deems reasonable and necessary.
- (e) An agreed order may be made at any time, even after formal proceedings have been initiated.
- (f) An agreed order is not final until the Board approves it in a Board meeting in compliance with Texas Open Meeting laws.
- (g) If the respondent fails to comply with the terms of an agreed order, formal disciplinary proceedings may be initiated or resumed.

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§349.360 State Office of Administrative Hearings

Effective Date: 9/1/25

- (a) If a respondent provides a written response as required in [§349.330 of this chapter](#) and no agreed order is entered as provided in [§349.350 of this chapter](#), the matter will be set for hearing at SOAH.
- (b) [Chapter 2001, Government Code](#), and SOAH administrative rules and procedures, as relevant, apply to all parts of the proceeding.

§349.370 Decision of the Board

Effective Date: 9/1/25

- (a) The Board issues orders in compliance with relevant statutes, including [Sections 2001.058 and 2001.141, Government Code](#).
- (b) TJJD shall provide notice of the Board's decision in accordance with [Section 2001.142, Government Code](#).
- (c) Board orders become final in accordance with timelines established in [Section 2001.144, Government Code](#).
- (d) A summary of final board orders in which certification action is taken, including the name of the individual, certification number(s), if any, and action taken, are maintained by TJJD and are public.
- (e) Motions for rehearing and appeals of final orders are governed by [Chapter 2001, Government Code](#).

§349.380 Representation

Effective Date: 9/1/25

- (a) A respondent may choose to appear with or without an attorney or other authorized representative throughout the certification action process. Respondent is responsible for the costs of representation.
- (b) A respondent's attorney of record shall remain the attorney of record unless the attorney submits a formal request to withdraw to the TJJD attorney involved in the matter except that, if SOAH has acquired jurisdiction, the attorney must comply with SOAH's rules to withdraw.
- (c) TJJD is represented by an attorney from the Office of General Counsel throughout the certification action process.

§349.390 Costs

Effective Date: 9/1/25

- (a) A party who appeals a final decision in a contested case shall pay all of the cost of preparing an original or certified copy of the agency proceeding that is required to be sent to the reviewing court. A charge imposed under this provision is a court cost and may be assessed by the court in accordance with the Texas Rules of Civil Procedure.
- (b) A party who requests that any part of the proceedings be transcribed is responsible for paying the cost of the transcription.

Subchapter D

Confidentiality and Release of Abuse, Neglect, and Exploitation Investigation Records

§349.400 Purpose

Effective Date: 9/1/25

The purpose of this subchapter is to clarify to whom and under what circumstances TJJD may disclose information made confidential under [§261.201, Family Code](#).

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§349.410 Definitions

Effective Date: 9/1/25

The words and terms used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise:

- (1) **Investigation Records**--that portion of the records described in [§261.201, Family Code](#), which were generated by TJJJ or submitted to TJJJ during the course of an abuse, neglect, or exploitation investigation.
- (2) **Parent**--biological or adoptive parent, possessory conservator, temporary or permanent managing conservator, legal guardian, or other legal representative of the juvenile, provided that the requestor's parental or other legal relationship to the juvenile has not been terminated at the time the request for information is made.
- (3) **Report**--formal notification to TJJJ of an alleged incident of abuse, neglect, or exploitation of a juvenile in a juvenile justice program and/or under the jurisdiction of the juvenile court.
- (4) **Reporter**--an individual who makes a report to TJJJ alleging the abuse, neglect, or exploitation of a juvenile. If more than one individual makes a report alleging abuse, neglect, or exploitation of the same juvenile, all such individuals shall have the designation of reporter.

§349.420 Confidentiality of and Access to Information

Effective Date: 9/1/25

- (a) A report of subjected abuse, neglect, or exploitation and the files, reports, records, communications, audio recordings, videos, and working papers used or developed in an investigation or in providing services as a result of an investigation are confidential and may be disclosed only for purposes consistent with [Chapter 261, Family Code](#), applicable federal or state law, and in accordance with this chapter.
- (b) The identity of the person making the report of alleged abuse, neglect, or exploitation is confidential and may be disclosed only:
 - (1) if waived in writing by the person making the report;
 - (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report; or
 - (3) in accordance with [Section 261.201, Family Code](#).
- (c) The identity of all juveniles in the investigation report is confidential and will not be released except as authorized by law.
- (d) A copy of the investigation report, appropriately redacted in accordance with law and [Section 349.430 of this chapter](#), may be provided to the following upon request:
 - (1) juvenile board, chief administrative officer, and facility administrator;
 - (2) the subject in the report;
 - (3) the juvenile victim and/or the juvenile's parents;
 - (4) law enforcement officials for the purpose of investigating allegations of abuse, neglect, or exploitation or criminal activity;
 - (5) a physician who suspects a juvenile may be the victim of abuse, neglect, or exploitation and requires this information for diagnosis, prognosis, or treatment of the juvenile;
 - (6) a government official when specifically required by law;
 - (7) a grand jury;
 - (8) an attorney, attorney ad litem, guardian ad litem, or court-appointed special advocate of a victim;
 - (9) a court in a criminal or civil case arising in connection with an investigation of abuse, neglect, or exploitation;
 - (10) SOAH in a case seeking to impose discipline on a certification or make an individual ineligible for certification;

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- (11) the attorney general of the state, or a county or district attorney, when such attorney represents the state in a proceeding in connection with an investigation;
 - (12) a member of the state legislature when necessary to carry out that member's official duties;
 - (13) pursuant to a Memorandum of Understanding adopted under [Section 810.009, Health and Safety Code](#); and
 - (14) any other person or entity, including other licensing agencies, other government agencies, and law enforcement and prosecutors, when, in the discretion of TJJD, such information is necessary to aid in the protection of juveniles.
- (e) An individual not otherwise entitled to have access to records under this section, but who participated in, cooperated with, or otherwise contributed to an investigation, may have access only to that portion of the investigation records obtained directly from or pertaining directly to that individual.
- (f) TJJD shall withhold the release of any investigation records obtained from another source if the release of those records to the requestor is specifically prohibited under state or federal law. Information that may be withheld under this section includes:
- (1) all medical records subject to the Medical Practices Act, [Chapter 159, Occupations Code](#), unless release to the requestor is authorized under that Act;
 - (2) HIV information unless release to the requestor is authorized under [Chapter 81, Health and Safety Code](#);
 - (3) offense reports, criminal history information, and/or arrest records obtained from a law enforcement entity, unless their release to the requestor is specifically authorized under state or federal law; and
 - (4) adult or juvenile probation records, as well as records related to the taking into custody of a juvenile, unless release to the requestor is specifically authorized under state or federal law.
- (g) Notwithstanding any other provision in this chapter, TJJD may withhold any information in the investigation records if TJJD determines the release of that information would endanger the life or safety of any individual, including the juvenile, the reporter, and any other person who participates in the investigation. TJJD will keep a record of any information so withheld and will document the specific factual basis for its belief that the release of the information would be likely to endanger the life or safety of an individual.
- (h) Information withheld from a requestor under this subsection, as well as the documented basis for withholding information under subsection (g) of this section, may be released only upon a court order.

§349.430 Redaction of Records Prior to Release

Effective Date: 9/1/25

- (a) Unless otherwise permitted by law, prior to the release of investigation records, TJJD shall redact the name, address, and any other information in the record that tends to reveal the identity of the reporter.
- (b) In the event the reporter also provided a witness statement or other evidence, the reporter's identity as a witness and the information provided in the role of witness will be released. Any information that might identify the individual as the reporter shall be redacted from the record prior to its release.
- (c) TJJD may, in its discretion, redact personally identifiable information about any person other than the reporter who is referenced in a report. Identifying information includes names, social security numbers, home and work addresses, telephone numbers, and driver's license numbers.

§349.440 Procedures for Requesting Access to Confidential Information

Effective Date: 9/1/25

- (a) Subject to the exception in [§349.460 of this chapter](#), upon written request for copies of records and a determination that the requestor is entitled to have access to those records pursuant to either these rules or a court order issued in accordance with the provisions in [§261.201, Family Code](#), the TJJD will provide copies of the requested records.

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- (b) Notwithstanding any other provision in this chapter, TJJD may not disclose any information that, if released to the requestor, would interfere with a criminal investigation or prosecution.
- (c) Records will not be released until the investigation of an allegation of abuse, neglect, and exploitation is complete unless TJJD determines that release prior to completion of the investigation is necessary to aid in the protection of juveniles.
- (d) Notwithstanding any other provision in this chapter, if TJJD has been sued and determines that the release of the requested records might interfere with the defense of that litigation, TJJD may require that a requestor seek access to records under the appropriate rules of civil procedure rather than under this chapter.

§349.450 Public Information

Effective Date: 9/1/25

TJJD shall compile statewide statistics on the incidence of abuse, neglect, and exploitation as required by §261.402, Family Code.

- (1) The following statistical data, which contains no case-specific identifiers, is available to the public upon written request:
 - (A) the number of reported allegations of abuse, neglect, and exploitation;
 - (B) the classifications assigned to reported allegations of abuse, neglect, and exploitation; and
 - (C) the dispositions assigned to investigations of reported allegations of abuse, neglect, and exploitation.
- (2) Upon written request and when necessary to cross-reference statistical data with individual allegations of abuse, neglect, and exploitation reported from an individual county, or for purposes of compliance with [§§51.12, 51.125, or 51.126, Family Code](#), the department, facility, or juvenile board may be entitled to specific case numbers assigned to allegations of abuse, neglect, and exploitation that were reported by the county requesting the data. A county may only request specific case numbers related to allegations of abuse, neglect, and exploitation pertaining to juvenile justice programs and facilities in its own county.
- (3) No exceptions to disclosure under the Public Information Act, [Chapter 552, Government Code](#), are waived by the exchange, disclosure, or dissemination of juvenile justice information under this rule.

§349.460 Video, Audio Recordings, and Photographs

Effective Date: 9/1/25

- (a) Individuals authorized under [§349.420 of this chapter](#) to have access to investigation records may review, in accordance with this section, any video, audio recordings, or photographs that are a part of those records.
 - (1) Access will be permitted only in areas designated by TJJD and at a time mutually convenient to the requestor and TJJD.
 - (2) When viewing or listening to these records, the requestor may not be accompanied by any individual who would not otherwise be entitled to have access to these records, unless the participation of this individual is deemed by TJJD to be appropriate under the circumstances surrounding the request.
- (b) Copies of video, audio recordings, and photographs may be provided to the individuals or entities identified in [§349.420 of this chapter](#) only if TJJD determines that the provision of a copy is essential to the investigation, prosecution, or resolution of a case.

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Subchapter E Advisory Council on Juvenile Services

\$349.500 Purpose

Effective Date: 9/1/25

- (a) The purpose of the Advisory Council on Juvenile Services is to advise the Texas Juvenile Justice Board and Texas Juvenile Justice Department on:
- (1) the needs and problems of juvenile boards and juvenile probation departments;
 - (2) long-range strategic planning;
 - (3) reviews and proposed revisions to standards affecting juvenile probation programs, services, and facilities;
 - (4) the potential cost impact on juvenile probation departments of new standards proposed by the Texas Juvenile Justice Board;
 - (5) recommendations to improve information sharing between agencies that serve children, including agencies serving children involved in both the juvenile justice and child welfare systems; and
 - (6) any other matter at the request of the Texas Juvenile Justice Board.
- (b) The goal of the advisory council is to provide actionable, direct, and inclusive feedback from the local perspective to the Texas Juvenile Justice Board and Texas Juvenile Justice Department so the unified juvenile justice system can collectively develop and improve the state's comprehensive continuum of care for youth; prioritize evidence-based rehabilitative services; and ensure safety for youth, staff, and the public.
- (c) The advisory council is composed of 15 members, as specified in [Chapter 203, Human Resources Code](#). Members, excluding ex officio members, serve staggered two-year terms. Texas Juvenile Justice Board-appointed members shall receive training on the advisory council's purpose, role, and procedures within 30 days of their appointment.
- (d) If a vacancy occurs on the council during a member's term, the Texas Juvenile Justice Board must appoint a replacement who meets the qualifications of the vacant position to serve for the remainder of the term.
- (e) A majority of advisory council members, excluding ex officio members as defined in [Chapter 203, Human Resources Code](#), constitutes a quorum. A quorum must be present to vote on action items that will be submitted to the Texas Juvenile Justice Board for consideration.
- (f) Ex officio members have the same rights and privileges as other members, including the right to vote. These members are not counted when determining the number of members who represent a quorum or in determining whether a quorum is present.
- (g) An advisory council member shall avoid the appearance of a conflict of interest by not voting or participating in a decision by the council that solely benefits, solely penalizes, or otherwise solely impacts the county or juvenile probation department over which the member has authority.
- (h) The advisory council's presiding officer or designee shall periodically update the board on the council's activities, progress on board directives, and issues impacting juvenile probation programs, services, and facilities.
- (i) The advisory council is subject to [Chapter 552, Government Code](#), as the act applies to bodies that are solely advisory in nature.
- (j) The advisory council is not subject to [Chapter 2110, Government Code](#). The department shall evaluate the continuing need for and recommendations to improve the council during the rule review process established under [Chapter 2001, Government Code](#).

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§349.550 Removal of Members

Effective Date: 9/1/25

It is a ground for removal from the council if a member is absent from more than half of the regularly scheduled meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the council.

Subchapter F Data

§349.600 Access to Data Collected

Effective Date: 9/1/25

For planning and research purposes, all juvenile probation departments participating in the implementation of the state's regionalization plan developed under [Chapter 203, Human Resources Code](#), are authorized to access data that any participating departments have submitted through the juvenile case management system.