

Texas Administrative Code

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

Chapter 358 Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents

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Subchapter A

Definitions, Applicability, and General Requirements

§358.100. Definitions

Effective Date: 9/1/25

Terms used in this chapter have the following meanings unless otherwise expressly defined within the chapter.

- (1) **Abuse**--an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a juvenile served by the juvenile justice facility or program. Abuse also includes the definition in [Section 261.001, Family Code](#).
- (2) **Administrator**--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.

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- (4) **Department**--a juvenile probation department.
- (5) **Emotional harm**--an impairment in the juvenile's growth, development, or psychological functioning that normally requires evaluation or treatment by a trained mental health or health care professional, regardless of whether evaluation or treatment is actually received. Sexual conduct between employees, volunteers, or contractors and juveniles is presumed to cause substantial emotional harm.
- (6) **Exploitation**--the illegal or improper use of a juvenile or the resources of a juvenile for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program.
- (7) **Incident Report Form**--the form used to report to TJJD allegations of abuse, neglect, or exploitation, the death of a juvenile, and serious incidents.
- (8) **Internal Investigation**--a formalized and systematic inquiry conducted in response to an allegation of abuse, neglect, or exploitation or the death of a juvenile.
- (9) **Internal Investigative Report**--the written report submitted to TJJD that summarizes the steps taken and the evidence collected during an internal investigation of alleged abuse, neglect, or exploitation or the death of a juvenile.
- (10) **Investigative Report**--the written report prepared by TJJD detailing its investigation and findings.
- (11) **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.
- (12) **Juvenile Justice Facility ("facility")**--a facility that is registered by TJJD pursuant to [Sections 51.12, 51.125, or 51.126, Family Code](#).
- (13) **Juvenile Justice Program ("program")**--a program or department that:
 - (A) serves juveniles under juvenile court or juvenile board jurisdiction; or
 - (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.
- (14) **Medical Treatment**--medical care, processes, and procedures that are performed by a physician, physician assistant, licensed nurse practitioner, emergency medical technician (EMT), paramedic, or dentist. Diagnostic procedures are excluded from this definition unless intervention beyond basic first aid is required.
- (15) **Neglect**--a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a juvenile served by the facility or program. Neglect also includes the definition in [Section 261.001, Family Code](#).
- (16) **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.
- (17) **Physical Injury**--an injury that normally requires examination or treatment by a trained health care professional, regardless of whether examination or treatment is actually received.
- (18) **Preponderance of the Evidence**--a standard of proof meaning the credible and reliable evidence establishes that it is more likely than not that conduct meeting the definition of abuse, neglect, or exploitation occurred.

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- (19) **Reasonable Cause to Believe**--a reasonable ground to suspect that a juvenile has been or may be abused, neglected, or exploited or that a juvenile's physical or mental health or welfare has been adversely affected by abuse or neglect.
- (20) **Report**--formal notification to TJJD of alleged abuse, neglect, or exploitation, the death of a juvenile, or a serious incident.
- (21) **Serious Incident**--an incident that meets one of the following definitions:
- (A) **escape**--the unauthorized departure of a juvenile who is in custody or the failure of a juvenile to return to custody following an authorized temporary leave for a specific purpose or specific, limited time period;
 - (B) **attempted escape**--committing an act that amounts to more than mere planning but that fails to effect an escape;
 - (C) **abscond from a nonsecure facility**--the unauthorized departure of a juvenile who has been placed in a nonsecure facility by the juvenile court or the failure of a juvenile to return to a nonsecure facility following an authorized temporary leave for a specific purpose or specific, limited time period;
 - (D) **attempted suicide**--any voluntary and intentional action that could likely result in taking one's own life;
 - (E) **reportable injury**--any physical injury sustained by a juvenile accidentally, intentionally, recklessly, or otherwise that:
 - (i) does not result from a personal, mechanical, or chemical restraint and requires medical treatment; or
 - (ii) results from a personal, mechanical, or chemical restraint and is a substantial injury.
 - (F) **juvenile sexual conduct**--conduct between two or more juveniles, regardless of age, that is conduct described in paragraphs (25) and (28) of this section, regardless of whether the juveniles consented to the conduct; or
 - (G) **juvenile-on-juvenile physical assault**--a physical altercation involving two or more juveniles that results in any of the involved parties sustaining an injury that requires medical treatment.
- (22) **Serious Physical Abuse**--bodily harm or a condition that:
- (A) resulted directly or indirectly from the conduct that formed the basis of an allegation of abuse, neglect, or exploitation; and
 - (B) requires medical treatment.
- (23) **Sexual Abuse**--includes sexual abuse (by contact or by non-contact) of a juvenile by an employee, contractor, or volunteer or by another juvenile.
- (24) **Sexual Abuse by Contact (employee, volunteer, or contractor)**--any physical contact between an employee, contractor, or volunteer and a juvenile, with or without the consent of the juvenile that includes:
- (A) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (B) contact between the mouth and the penis, vulva, or anus;
 - (C) contact between the mouth and any body part where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (D) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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- (E) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire; and
 - (F) any attempt by an employee, contractor, or volunteer to engage in the activities described in subparagraphs (a) – (e) of this paragraph.
- (25) **Sexual Abuse by Contact (by another juvenile)**--any of the following acts between juveniles, if the victim does not consent, is coerced into the act by overt or implied threats of violence, or is unable to consent or refuse, either actually or legally:
- (A) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (B) contact between the mouth and the penis, vulva, or anus;
 - (C) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - (D) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (26) **Sexual Abuse by Non-Contact (by employee, volunteer, or contractor)**--any sexual behavior, conduct, harassment, or actions by an employee, contractor, or volunteer, which are exhibited, performed, or simulated in the presence of a juvenile or with reckless disregard for the presence of a juvenile but do not meet the definition of sexual abuse by contact, including but not limited to:
- (A) any threat or request for a juvenile to engage in the activities described in paragraph (24) of this section;
 - (B) any display of uncovered genitalia, buttocks, or breasts in the presence of a juvenile;
 - (C) voyeurism, which means an invasion of privacy of a juvenile for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile's naked body or of a juvenile performing bodily functions; and
 - (D) sexual harassment.
- (27) **Sexual Harassment (by employee, contractor, or volunteer)**--repeated verbal comments or gestures of a sexual nature to a juvenile, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- (28) **Sexual Harassment (by another juvenile)**--any of the following directed by one juvenile to another juvenile: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed toward another.
- (29) **Substantial Injury**--an injury that is significant in size, degree, or severity.
- (30) **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.
- (31) **TJJD OIG**--TJJD Office of Inspector General.
- (32) **Victim**--a juvenile who is alleged or found to be a victim of abuse, neglect, or exploitation.

§358.110. 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.**

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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 TJJJD 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.

§358.120. Applicability

Effective Date: 9/1/25

(a) Unless otherwise expressly stated, this chapter applies to:

- (1) allegations of abuse, neglect, or exploitation involving a juvenile and an employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility, regardless of the physical location of the alleged abuse, neglect, or exploitation;
- (2) serious incidents involving a juvenile that:
 - (A) occur on the premises of a program, facility, or non-juvenile justice contract facility; or
 - (B) regardless of the physical location, occur while in the presence of an employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility; and
- (3) a death of a juvenile that:
 - (A) occurs on the premises of a program, facility, or non-juvenile justice contract facility;
 - (B) results from an illness, incident, or injury that occurred, was discovered, or was reported on the premises of a program, facility, or non-juvenile justice contract facility; or
 - (C) regardless of the physical location, occurs while in the presence of an employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility.

(b) For purposes of this chapter, "working under the auspices of a facility, program, or non-juvenile justice contract facility" includes providing a service to juveniles when that service is authorized by the juvenile board or pursuant to a contract for placement.

§358.130. Toll-Free Call Center

Effective Date: 9/1/25

TJJJD maintains a staffed incident reporting center with a toll-free number to facilitate the reporting of alleged abuse, neglect, exploitation, death, and serious incidents. Additionally, TJJJD maintains alternative forms of contact for the continuity of operations, including email and secondary phone numbers.

Subchapter B

Responsibilities of Departments, Programs, and Facilities

§358.200. Policy and Procedure

Effective Date: 9/1/25

- (a) Departments, programs, and facilities shall have written policies and procedures that require, in accordance with this chapter:
- (1) reporting allegations of abuse, neglect, or exploitation of a juvenile to local law enforcement, TJJJD, and other appropriate governmental units when there is reasonable cause to believe that abuse, neglect, or exploitation has occurred;

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- (2) reporting death of a juvenile to local law enforcement and TJJD; and
 - (3) reporting serious incidents to TJJD.
- (b) Departments, programs, and facilities shall include the following in all contracts with non-juvenile justice contract facility:
- (1) a requirement for the non-juvenile justice contract facility to report allegations of abuse, neglect, exploitation, the death of a juvenile, or a serious incident to the department, program, or facility and to TJJD in accordance with this chapter;
 - (2) a requirement for the non-juvenile justice contract facility to conduct an internal investigation or allow the department, program, or facility to do so and to cooperate with such investigation; and
 - (3) a requirement to cooperate with TJJD with any assessment or investigation.

§358.210. Information on Reporting

Effective Date: 9/1/25

- (a) As soon as practicable after a child is taken into custody or placed in a facility or program, the facility or program shall provide the child's parents with:
- (1) information regarding the reporting of suspected abuse, neglect, or exploitation of a juvenile in a facility or program to TJJD; and
 - (2) the TJJD toll-free number for this reporting.
- (b) Departments, programs, and facilities must prominently display signage provided by TJJD regarding a zero-tolerance policy concerning abuse of juveniles. The signage must be in English and Spanish and be displayed in each of the following places:
- (1) lobby or visitation areas of the department, program, or facility to which the public has access;
 - (2) juvenile housing and common areas;
 - (3) common medical treatment areas;
 - (4) common educational areas; and
 - (5) other common areas.

§358.220. Data Reconciliation

Effective Date: 9/1/25

- (a) For all allegations of abuse, neglect, or exploitation, the death of a juvenile, and serious incidents occurring within the reporting period, the department or facility must provide the data listed in subsection (b) to TJJD in the electronic format requested or supplied by TJJD.
- (b) The data must include:
- (1) name and Personal Identification Number (PID) of each alleged victim;
 - (2) name and date of birth of each subject of investigation;
 - (3) date and time of alleged incident;
 - (4) date the alleged incident was reported to TJJD;
 - (5) type of alleged incident (i.e., abuse, neglect, exploitation, death, or serious incident);
 - (6) type of injury, if applicable;
 - (7) whether the alleged incident was restraint-related and, if so, what type of restraint was involved (i.e., personal, mechanical, or chemical);
 - (8) disposition of internal investigation (i.e., founded, unfounded, or inconclusive); and
 - (9) county-generated case identification number.

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- (c) The data must be supplied at least annually or more frequently if required by TJJD. The data must include any additional information not listed in this section if specifically requested by TJJD.

§358.230. Reporting Abuse, Neglect, and Exploitation

Effective Date: 9/1/25

(a) **Duty to Report.**

An employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility must report an allegation of abuse, neglect, or exploitation to TJJD and local law enforcement if the person has reasonable cause to believe a juvenile has been or may be abused, neglected, or exploited or that a juvenile's physical or mental health or welfare has been adversely affected by abuse or neglect.

(b) **Non-Delegation of Duty to Report.**

In accordance with [Chapter 261, Family Code](#), the duty to report cannot be delegated to another person.

(c) **Other than Sexual Abuse or Serious Physical Abuse.**

(1) **Time Frames for Reporting.**

A report of alleged abuse, neglect, or exploitation other than allegations involving sexual abuse or serious physical abuse must be made no later than 24 hours after the time the person gains knowledge of or has reasonable cause to believe that abuse, neglect, or exploitation has occurred.

(2) **Methods for Reporting.**

- (A) The report to TJJD may be made by phone or by emailing a completed Incident Report Form.
- (B) If the report to TJJD is made by phone, a completed Incident Report Form must be submitted by email within 24 hours after the phone report.
- (C) The report to law enforcement must be made by phone.

(d) **Sexual Abuse or Serious Physical Abuse.**

(1) **Time Frames for Reporting.**

- (A) A report of alleged sexual abuse or serious physical abuse must be made to local law enforcement immediately, but no later than one hour after the time a person gains knowledge of or has a reasonable belief that alleged sexual abuse or serious physical abuse has occurred.
- (B) A report of alleged sexual abuse or serious physical abuse must be made to TJJD immediately, but no later than four hours, after the time a person gains knowledge of or has a reasonable belief that alleged sexual abuse or serious physical abuse has occurred.

(2) **Methods for Reporting.**

- (A) The initial report to TJJD must be made by phone using the toll-free number as designated by TJJD.
- (B) Within 24 hours after the initial phone report to TJJD, the completed Incident Report Form must be submitted to TJJD by email.
- (C) The initial report to law enforcement must be made by phone.

§358.240. Reporting Serious Incidents

Effective Date: 9/1/25

(a) **Duty to Report.**

An employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility must report a serious incident to TJJD if the person:

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- (1) witnesses, learns of, or receives an oral or written statement from a juvenile or other person with knowledge of a serious incident; or
- (2) has reasonable cause to believe that a serious incident has occurred.

(b) Time Frame for Reporting.

A report of a serious incident must be made within 24 hours from the time a person gains knowledge of or has reasonable cause to believe that a serious incident occurred.

(c) Methods for Reporting Serious Incidents.

- (1) The report may be made by phone or by emailing a completed Incident Report Form to TJJD.
- (2) If the report is made by phone, a completed Incident Report Form must be submitted to TJJD by email within 24 hours after the phone report.

(d) Medical Documentation.

A treatment discharge form or other medical documentation that contains evidence of medical treatment pertinent to the reported incident must be submitted to TJJD within 24 hours after receipt by the department, program, facility, or non-juvenile justice contract facility.

§358.250. Reporting Deaths

Effective Date: 9/1/25

(a) Duty to Report.

An employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility must report to local law enforcement and to TJJD OIG if the person has reasonable cause to believe a juvenile has died and the death:

- (1) occurred on the premises of a program, facility, or non-juvenile justice contract facility;
- (2) resulted from an illness, incident, or injury that occurred, was discovered, or was reported on the premises of a program, facility, or non-juvenile justice contract facility; or
- (3) occurred while in the presence of an employee, volunteer, or other individual working under the auspices of a facility, program, or non-juvenile justice contract facility, regardless of where the death occurred.

(b) Time Frames for Reporting.

- (1) A report of a death must be made to local law enforcement immediately upon, and no later than one hour after, the discovery or notification of the death.
- (2) A report of a death must be made to TJJD OIG immediately upon, and no later than four hours after, the discovery or notification of the death.
- (3) A written report of the cause of death must be submitted to the Office of the Attorney General no later than 30 days after the juvenile's death if required by [Article 49.18, Code of Criminal Procedure](#).
- (4) A copy of the death investigative report must be submitted to TJJD no later than 10 days after completion.

(c) Methods for Reporting.

- (1) The initial report to TJJD must be made by phone using the toll-free number as designated by TJJD.
- (2) Within 24 hours after the phone report to TJJD, the completed Incident Report Form must be submitted to TJJD OIG by email.
- (3) The initial report to law enforcement must be made by phone.

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§358.260. Parental Notification

Effective Date: 9/1/25

(a) **Requirement to Notify.**

Notification, or diligent efforts to notify, must be made to the parent(s), guardian(s), and custodian(s) of a juvenile who has died or who is the alleged victim of abuse, neglect, or exploitation or was involved in a serious incident.

(b) **Time of Notification.**

The notice or efforts to notify required by subsection (a) of this section must be made as soon as possible, but no later than 24 hours, from the time a person gains knowledge of or has a reasonable belief that the allegation of abuse, neglect, or exploitation or the death of a juvenile occurred or that a serious incident has occurred.

(c) **Method of Notification.**

The notice or efforts to notify required by subsection (a) of this section may be made by phone, in writing, or in person.

(d) **Documentation of Notification.**

The notice or efforts to notify required by subsection (a) of this section must be documented on TJJJ's Incident Report Form and in the internal investigative report.

§358.270. Reporting of Allegations by Juveniles

Effective Date: 9/1/25

(a) **Right to Report.**

Juveniles have the right to report to TJJJ allegations of abuse, neglect, or exploitation and the death of a juvenile. During orientation to a facility or program, juveniles must be advised in writing of:

- (1) their right to report allegations under this subsection; and
- (2) TJJJ's toll-free number available for reporting allegations under this subsection.

(b) **Policy and Procedure.**

Departments, programs, and facilities must have written policies and procedures that provide a juvenile with reasonable, free, and confidential access to telephones for reporting allegations to TJJJ.

(c) **Access to TJJJ.**

Upon the request of a juvenile, staff must facilitate the juvenile's reasonable, free, and confidential access to a telephone for reporting allegations to TJJJ.

§358.280. Internal Investigation

Effective Date: 9/1/25

(a) **Investigation Requirement.**

In every case in which a report of the death of a juvenile or of an allegation of abuse, neglect, or exploitation has occurred, an internal investigation must be conducted. The investigation must be conducted by a person qualified by experience or training to conduct a comprehensive investigation.

(b) **Initiation of Investigation.**

The internal investigation must be initiated immediately upon the chief administrative officer or the private facility administrator or their respective designees gaining knowledge of the death of a juvenile or the allegation of abuse, neglect, or exploitation. However, the initiation of the internal investigation will be postponed if:

- (1) directed by local law enforcement;
- (2) requested by TJJJ OIG; or

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- (3) after consultation with local law enforcement or TJJJ OIG, it is determined that the integrity of potential evidence could be compromised.

(c) **Burden of Proof.**

The burden of proof in an internal investigation is preponderance of the evidence. A higher or lower burden of proof may not be implemented.

(d) **Policy and Procedure.**

Departments, programs, and facilities must have written policies and procedures for conducting internal investigations under this chapter. The internal investigation must be conducted in accordance with the policies and procedures of the department, program, or facility. The policies and procedures must be provided to TJJJ upon request.

(e) **Juvenile Board Responsibilities.**

If the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, the juvenile board chair must:

- (1) conduct the internal investigation; or
- (2) appoint an individual to conduct the internal investigation who is not one of the following:
 - (A) the person alleged to have abused, neglected, or exploited the juvenile(s);
 - (B) a subordinate of the person alleged to have abused, neglected, or exploited the juvenile(s); or
 - (C) a law enforcement officer currently acting in the capacity as a criminal investigator for the alleged abuse, neglect, or exploitation of the juvenile(s).

(f) **Time Frame for Internal Investigation.**

The internal investigation must be completed within 30 business days after the initial report to TJJJ. TJJJ may extend this time frame upon request. TJJJ may require submission of all information compiled to date or a statement of the status of the investigation when determining whether or not to grant an extension or after granting an extension.

(g) **Written and Electronically Recorded Statements.**

During the internal investigation, diligent efforts must be made to obtain written or electronically recorded oral statements from all persons with direct knowledge of the alleged incident.

§358.290. Corrective Measures

Effective Date: 9/1/25

Corrective measures must be taken at the conclusion of the internal investigation, if warranted, that may include:

- (1) a review of the policies and procedures pertinent to the alleged incident;
- (2) revision of any policies or procedures as needed;
- (3) administrative disciplinary action or appropriate personnel actions against all persons found to have abused, neglected, or exploited a juvenile or to have otherwise engaged in misconduct; and
- (4) the provision of additional training for all appropriate persons to ensure the safety of the juveniles, employees, and others.

§358.300. Internal Investigative Report

Effective Date: 9/1/25

- (a) An internal investigative report must be completed at the conclusion of each internal investigation resulting from an allegation of abuse, neglect, or exploitation or the death of a juvenile.
- (b) The internal investigative report must include:
 - (1) the date the internal investigation was initiated;

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- (2) the date the internal investigation was completed;
 - (3) the date the alleged victim's parent, guardian, or custodian was notified of the allegation, or documentation that diligent efforts to provide the notification were made;
 - (4) a summary of the original allegation;
 - (5) relevant policies and procedures related to the incident;
 - (6) a summary or listing of the steps taken during the internal investigation;
 - (7) a written summary of the content of all oral interviews conducted;
 - (8) a listing of all evidence collected during the internal investigation, including all audio and/or video recordings and polygraph examinations;
 - (9) relevant findings of the investigation that support the disposition;
 - (10) one of the following dispositions:
 - (A) founded, which means the evidence indicates that it is more likely than not that the conduct that formed the basis of an allegation of abuse, neglect, or exploitation occurred or that other conduct constituting abuse, neglect, or exploitation occurred;
 - (B) unfounded, which means the evidence indicates the conduct that formed the basis of an allegation of abuse, neglect, or exploitation did not occur and no other conduct constituting abuse, neglect, or exploitation occurred; or
 - (C) inconclusive, which means the evidence does not clearly indicate whether or not the conduct that formed the basis of an allegation of abuse, neglect, or exploitation occurred or other conduct constituting abuse, neglect, or exploitation occurred.
 - (11) the date the internal investigative report was completed;
 - (12) the names of all persons who participated in conducting the internal investigation;
 - (13) the name and signature of the person who submitted the internal investigative report; and
 - (14) the administrative action, disciplinary action, or corrective measures taken to date, if applicable (e.g., terminated, suspended, retrained, returned to duty, or none).
- (c) If disciplinary action is imposed after the submission of the internal investigative report, the administrator or designee must notify TJJD of the disciplinary action no later than five calendar days after the disciplinary action is imposed.

§358.310. Submission of Internal Investigative Report

Effective Date: 9/1/25

- (a) A copy of the internal investigative report must be submitted to TJJD no later than five calendar days following its completion.
- (b) The following documentation collected during the internal investigation must be submitted to TJJD with the internal investigative report:
 - (1) written statements;
 - (2) relevant medical documentation;
 - (3) training records, if applicable; and
 - (4) any other documentation used to reach the disposition of the internal investigation.

§358.320. Reassignment or Administrative Leave during the Internal Investigation

Effective Date: 9/1/25

- (a) Upon gaining knowledge of an allegation of abuse, neglect, or exploitation, and until the finding of the internal investigation is determined, the person alleged to have abused, neglected, or exploited a juvenile

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must be placed on administrative leave or reassigned to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.

- (b) If the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, the juvenile board chair must immediately place the chief administrative officer or private facility administrator on administrative leave or reassign that person to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.
- (c) If, during the internal investigation, the subject of the investigation resigns or is terminated from employment, the department or facility must notify TJJD no later than the second business day after the resignation or termination.
- (d) If a subject of investigation obtains employment in another jurisdiction before the disposition of the internal investigation has been finalized, the person may not be placed in a position having any contact with any juveniles until the disposition of the internal investigation is finalized in the county of previous employment.

§358.330. Cooperation with TJJD Investigation

Effective Date: 9/1/25

- (a) All persons must fully cooperate with any investigation of an allegation of abuse, neglect, or exploitation, the death of a juvenile, or a serious incident. A failure to do so may result in an action involving the person's certification or provisional certification pursuant to [Chapter 349 of this title](#).
- (b) A diligent effort must be made to identify and make available for questioning all persons with knowledge of an allegation of abuse, neglect, or exploitation, serious incident, or the death of a juvenile that is the subject of a TJJD investigation.
- (c) Upon request by TJJD, all evidence must be provided to TJJD in the format requested.

§358.340. Cooperation with Other Agencies

Effective Date: 9/1/25

All persons must fully cooperate with any investigation of alleged abuse, neglect, or exploitation, serious incident, or death of a juvenile by another state agency or licensing entity with authority to investigate, such as an agency that holds the occupational license of a person who is the subject of the investigation.

Subchapter C

TJJD Assessment and Investigation

§358.400. TJJD Assessment and Referral

Effective Date: 9/1/25

- (a) TJJD OIG will complete an assessment on all reports of alleged abuse, neglect, or exploitation of a juvenile, the death of a juvenile, or serious incidents. TJJD may conduct an assessment when there is reasonable cause to believe that one is warranted.
- (b) The purpose of an assessment is to determine if conduct or alleged conduct falls under:
 - (1) TJJD's investigative authority and, if so, if an investigation is necessary; or
 - (2) TJJD's other regulatory authority and, if so, if other action is warranted.
- (c) TJJD may request information from the juvenile probation department or facility making the report or where the alleged incident occurred, which may include requests for records, digital media, video, audio, and other related information or items. The entity to which the request is made must provide the requested information or, if it does not exist, an explanation that it does not exist, no later than two business days after the request is made unless a later time is agreed upon between TJJD and the entity.

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- (d) After assessment, TJJJ OIG will conduct an investigation if it determines the matter is within TJJJ OIG's jurisdiction to investigate or will refer the matter as appropriate to another TJJJ division, the appropriate juvenile probation department or facility, or another governmental entity.

§358.410. TJJJ Investigations

Effective Date: 9/1/25

- (a) Investigations may be conducted based on a report to TJJJ or may be initiated by TJJJ when there is reasonable cause to believe that an incident may require investigation, regardless of how TJJJ is made aware of the matter.
- (b) Investigations will be conducted by TJJJ in accordance with TJJJ policies and procedures for investigations.
- (c) Investigations must be prompt, thorough, and directed at resolving all relevant issues.
- (d) The primary objective of each investigation under this chapter is to ensure the health, safety, and well-being of the alleged victim(s) and other juveniles.
- (e) Only a person qualified by experience and training may be assigned to conduct an investigation.
- (f) If a subject of a TJJJ abuse, neglect, and exploitation investigation obtains employment in another jurisdiction before the disposition of the investigation has been finalized, the person may not be placed in a position having any contact with any juveniles until the disposition of the investigation is finalized by TJJJ or TJJJ otherwise approves.

§358.420. Findings in Abuse, Neglect, and Exploitation Investigations

Effective Date: 9/1/25

- (a) In order to find that a person engaged in abuse, neglect, or exploitation, there must be a preponderance of evidence to establish the person engaged in conduct that meets the definition of abuse, neglect, or exploitation, including having done so with the required mental state.
- (b) A person acts intentionally, or with intent, with respect to the nature of the person's conduct or the result of the conduct when it is the person's conscious objective or desire to engage in the conduct or to cause the result.
- (c) A person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or the result of the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.
- (d) A person acts recklessly, or is reckless, with respect to circumstances surrounding the person's conduct or the result of the conduct when the person is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.
- (e) A person acts with negligence when the person does something that an ordinarily prudent person exercising ordinary care would not have done under the same circumstances or fails to do something that an ordinarily prudent person in the exercise of ordinary care would have done.
- (f) An investigation of potential abuse requires a finding of whether the subject intentionally, knowingly, or recklessly acted or failed to act and, if so, whether the act caused emotional harm or physical injury to the juvenile or posed a significant and foreseeable risk of emotional harm or physical injury.
- (g) An investigation of potential neglect requires a finding of whether the subject engaged in a negligent act or omission and, if so, whether the action or failure to act was a substantial factor in bringing about a substantial emotional harm or physical injury to the juvenile or posed a significant and foreseeable risk of emotional harm or physical injury.
- (h) An investigation of potential exploitation requires a finding of whether a juvenile or the resources of a juvenile were used for monetary or personal benefit, profit, or gain of the subject and, if so, whether the use was illegal or improper.

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- (i) In determining if a person's conduct is the cause of any emotional harm or physical injury, there must be a finding of whether the resulting emotional harm or physical injury would not have occurred but for the person's conduct, either alone or concurrently with another cause.
- (j) Investigations may include findings of misconduct other than abuse, neglect, or exploitation if the misconduct is established by the evidence. However, the absence of such findings should not be regarded as exoneration of the subject or others as to violations of the code of ethics indicated by the evidence.

§358.430. Abuse, Neglect, and Exploitation Investigative Report

Effective Date: 9/1/25

- (a) Each investigation requires a written investigative report with the investigator's recommendations regarding whether the evidence is sufficient to establish that abuse, neglect, or exploitation occurred. The report must include a summary and analysis of the evidence relied upon in reaching the recommendations. Anything considered in the investigation, including, but not limited to, copies of relevant documents and photographs, must be attached to the investigative report.
- (b) Investigations may include recommendations that findings of a violation of the Code of Ethics other than abuse, neglect, or exploitation be made if the conduct is established by the evidence. However, the absence of such findings should not be regarded as exoneration of the subject or other individuals as to violations indicated by the evidence.
- (c) An attorney in TJJD's Office of General Counsel shall review the recommendations of each investigative report for legal sufficiency and, based on the evidence, shall make findings as to whether or not abuse, neglect, or exploitation occurred. The attorney may request additional information or investigation by TJJD OIG if necessary to make a finding. The findings must be made before the results of the investigative report are finalized.

§358.440. Notification of Findings

Effective Date: 9/1/25

- (a) The following persons are notified of the findings of an investigation:
 - (1) the juvenile victim and the juvenile's parents or guardian;
 - (2) the subject; and
 - (3) the administrator.
- (b) If the investigation results in a finding that abuse, neglect, or exploitation occurred, the subject will be provided notice of the opportunity for an administrative review as provided in [Chapter 349 of this title](#).

§358.450. Other Actions by TJJD

Effective Date: 9/1/25

- (a) TJJD may provide notification of an investigation to the local prosecutor if warranted.
- (b) TJJD may issue a non-compliance citation report (NCCR) for any violation of standards discovered as a result of an investigation.
- (c) TJJD may issue a notice of technical assistance (NTA) for any violation of standards discovered as a result of an investigation.

§358.460. Maintenance of Records and Data

Effective Date: 9/1/25

- (a) TJJD prepares and keeps on file a complete written report of each investigation conducted by the agency. The report is retained in accordance with the TJJD records retention schedule.
- (b) TJJD compiles, maintains, and makes available statistics on the incidence of abuse, neglect, and exploitation investigated by the agency.
- (c) TJJD maintains an electronic database containing information regarding all reports of alleged abuse, neglect, exploitation, death, and serious incidents.
- (d) Investigation files are confidential and releasable only as provided in [Chapter 349 of this title](#).