Chapter:	Rules for State-Operated Programs and Facilities	**Effective Date: 11/1/26**
Subchapter:	Behavior Management and Youth Discipline	Page: 1 of 4
Division:	Behavior Management	
Rule:	**Rules and Consequences for Youth on Parole**	Replaces: GAP.380.9504, 7/15/24
Statutes:	§§243.001, 244.005, 245.051, Human Resources Code	

RULE

(a) **Purpose.**

This rule establishes the actions that constitute violations of the rules of conduct youth are expected to follow while under parole supervision. Violations of the rules may result in disciplinary consequences, including revocation of parole, that are proportional to the severity and extent of the violation. Appropriate due process must be followed before imposing consequences.

(b) **Applicability.**

(1) This rule applies to youth on parole status who are assigned to a home placement.

(2) For parole revocation purposes, this rule also applies to youth on parole status who are assigned to a residential placement as a home substitute. However, this rule does not apply to the daily rules of conduct for these youth. For the daily rules of conduct, see §380.9503 of this chapter.

(c) **General Provisions.**

(1) Conditions of parole are provided to the youth before release on parole.

(2) Conditions of parole, including the rules of conduct, are reviewed with youth when they initially meet with their parole officers and at other times as necessary.

(3) Repeated violations of any rule of conduct may result in more serious disciplinary consequences.

(d) **Definition.**

Possession--Actual care, custody, control, or management. It does not require the item to be on or about the youth's person.

(e) **Parole Rule Violations.**

It is a violation to knowingly commit, attempt to commit, or aid someone else in committing any of the following conduct. Parole rule violations are categorized in the TJJD treatment hierarchy based on the degree of interference or intrusiveness such conduct has on any youth's ability to effectively engage in treatment.

(1) **Abscond**--leaving a home placement or failing to return from an authorized leave when:

(A) the youth's parole officer did not give permission; and
(B) the youth's whereabouts are unknown to the youth's parole officer.

(2) **Failure to Comply with Electronic Monitoring Program Conditions**--failing to comply with one of the following conditions required by the youth's electronic monitoring program conditions:

(A) remain at the address listed at all designated times;

(B) follow curfew restriction as stated in the youth's conditions of placement or conditions of parole;

(C) remain at the approved placement while on electronic monitoring, going only to school, approved activities, religious functions, and medical/psychological appointments and then return to the approved placement, in accordance with the schedule identified in the conditions of placement or conditions of parole;

(D) wear the electronic monitoring device 24 hours a day;

(E) allow a TJJD staff member to enter the youth's residence to install, maintain, and inspect the device if required;

(F) notify the electronic monitoring officer as soon as possible within 24 hours if the youth experiences any problems with the electronic monitoring system; and

(G) charge the device daily for a minimum of one hour continuously in the morning and one hour continuously in the evening.

(3) **Failure to Comply with Sex Offender Conditions of Parole**--intentionally or knowingly failing to comply with one of the following conditions present in the youth's sex offender conditions of parole addendum:

(A) do not have unsupervised contact with children under the age specified by the conditions of parole;

(B) do not babysit or participate in any activity where the youth is responsible for supervising or disciplining children under the age specified by the conditions of parole; or

(C) do not initiate physical contact or touching of any kind with a child, victim, or potential victim.

(4) **Failure to Report an Arrest or Citation**--failing to report an arrest or receipt of a citation to the youth's parole officer within 24 hours of arrest or citation.

(5) **Participating in a Major Disruption of Facility Operations**--intentionally engaging in conduct that poses a threat to persons or property and substantially disrupts the performance of facility operations or programs. (This parole violation applies only to youth assigned to a residential placement as a substitute for home placement.)

(6) **Possessing, Selling, or Attempting to Purchase Ammunition**--possessing, selling, or attempting to purchase ammunition.

(7) **Possessing, Selling, or Attempting to Purchase a Weapon**--possessing, selling, or attempting to purchase a weapon or an item that has been made or adapted for use as a weapon.

(8) **Refusing a Drug Screen**--refusing to take a drug screen when requested to do so by staff or tampering with or contaminating the urine sample provided for a drug screen.

(9) **Repeated Non-Compliance with a Written, Reasonable Request of Staff**--failing on two or more occasions to comply with a specific condition of release under supervision and/or a specific written, reasonable request of staff. If the request requires the youth to do something daily or weekly, the two failures to comply must be within a 30-day period. If the request requires the youth to do something monthly, the two failures to comply must be within a 60-day period.

(10) **Photos, Videos, or Social Media Posts with Weapon, Ammunition, or Unauthorized Substance**--appearing in photos, videos, or other images, whether or not posted to social media, with any weapon, ammunition, or unauthorized substance or related paraphernalia, including any

object that reasonably resembles a weapon, ammunition, or unauthorized substance or related paraphernalia. The term weapon includes, but is not limited to, guns, explosive devices, knives, blades, and clubs. The term related paraphernalia includes, but is not limited to, items used to make or deliver unauthorized substances.

(11) **Tampering with Monitoring Equipment**--a youth intentionally or knowingly tampers with monitoring equipment assigned to any youth.

(12) **Unauthorized Absence**--leaving a medium-restriction residential placement without permission or failing to return from an authorized leave.

(13) **Possession or Use of Unauthorized Substances**--possessing, ingesting, inhaling, or otherwise consuming any unauthorized substance, including controlled substances or intoxicants, medications not prescribed for the youth by authorized medical or dental staff, alcohol or tobacco products, or related paraphernalia such as that used to deliver or make any unauthorized substance.

(14) **Violation of Any Law**--violating a federal or state law or municipal ordinance.

(f) **Possible Consequences.**

(1) A parole rule violation may result in a Level I hearing or a Level III hearing conducted in accordance with §380.9551 or §380.9557 of this chapter, respectively.

(A) This subparagraph applies only to youth alleged to have engaged in conduct classified as a first- or second-degree felony while on parole. Except as provided by this subparagraph, a Level I hearing shall be requested on these youth. The hearing may be deferred when requested by local prosecutors, as provided in §380.9551 of this chapter. The designated staff person may determine that, given all circumstances, a Level I hearing is not appropriate. Such decision shall be documented. If a Level I hearing is held and the youth's parole is revoked, the youth shall be reviewed for the most restrictive setting appropriate, including the intervention program described by §380.9510 of this chapter.

(B) Parole officers are encouraged to be creative in determining a consequence appropriate to address and correct the youth's behavior. Staff should use evidence-based interventions that relate to the youth's risk, needs, and responsivity when appropriate. All assigned consequences should be related to the misconduct when possible.

(2) Consequences through a Level III hearing for a youth on parole include, but are not limited to:

(A) **Verbal Reprimand**--conference with a youth including a verbal reprimand that draws attention to the misbehavior and serves as a warning that continued misbehavior could result in more severe consequences.

(B) **Curfew Restriction**--an immediate change in existing curfew requirements outlined in the youth's conditions of parole.

(C) **Community Service Hours**--disciplinary assignment of a specific number of hours the youth is to perform community service in addition to the hours assigned when the youth was placed on parole. In no event may more than 20 community service hours be assigned through a Level III hearing.

(D) **Increased Level of Supervision**--an assigned increase in the number of primary contacts between the youth and parole officer in order to increase the youth's accountability.

(E) **Electronic Tracking**--assignment to a system that electronically tracks a youth's movement and location.

(F) **Writing Assignment**--an assignment designed for the youth to address the misbehavior and identify appropriate behavior in similar situations.

(3) Consequences through a Level I hearing for a youth on parole, including youth assigned to a residential placement as a home substitute, include:

(A) parole revocation and placement in any high- or medium-restriction program operated by or under contract with the Texas Juvenile Justice Department; and

(B) assignment of a length of stay consistent with §380.8525 of this chapter.