

Chapter 341. Texas Juvenile Probation Commission**Published Standards Without Commentary**

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Subchapter A. DEFINITIONS**§341.1. Definitions.**

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

- (1) Alleged Victim--A juvenile alleged as being a victim of abuse, exploitation or neglect.
- (2) 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 the juvenile probation department of a multi-county judicial district.
- (3) Commission--The Texas Juvenile Probation Commission.
- (4) Juvenile Justice Program--A non-residential program operated for the benefit of juveniles referred to a juvenile probation department that is either directly administered by the juvenile probation department, or is operated under contract with a juvenile board. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Texas Juvenile Probation Commission.
- (5) Referral--A referral to the juvenile court for conduct defined in Texas Family Code §51.03 that results in a face-to-face interview between the juvenile and the authorized staff of the juvenile probation department.

Subchapter B. JUVENILE BOARD RESPONSIBILITIES**§341.2. Administration.**

- (a) Local Juvenile Probation Services Administration.
 - (1) The juvenile board shall employ a chief administrative officer for each autonomous juvenile probation department.
 - (2) The juvenile board shall specify the responsibilities and functions of the juvenile probation department as well as the authority, responsibility, and function of the position of the chief administrative officer.
 - (3) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board shall ensure that the juvenile probation department policies, programs, and procedures are clearly differentiated.

(b) Referral Ratio. The juvenile board shall employ at least one certified juvenile probation officer for each 100 referrals made to the juvenile probation department annually.

(c) Participation in Community Resource Coordination Groups.

(1) Juvenile boards shall participate in the system of community resource coordination groups and the procedures in the memorandum of understanding adopted in §349.69 of this title.

(2) The chair of the juvenile board, or the chair's designee shall serve as representative to the interagency dispute resolution process described in the memorandum of understanding.

(d) Notice of Complaint Procedures. The juvenile board shall post the sign provided by the Commission relating to complaint procedures in a public area of:

- (1) the juvenile probation department; and
- (2) any facility operated by the juvenile board, or operated by a private entity through contract with the juvenile board.

§341.3. Policy and Procedures.

(a) Personnel Policies. The juvenile board shall adopt written personnel policies. These personnel policies shall include but not be limited to:

- (1) a salary scale for all juvenile probation officers; and
- (2) the provision for juvenile probation officers to receive all applicable benefits and allowances given to county employees.

(b) Department Policies. The juvenile board shall adopt written department policies and procedures. These policies shall include but not be limited to:

- (1) Deferred Prosecution. The deferred prosecution policy shall at a minimum include the following policies:
 - (A) The maximum supervision fee for deferred prosecution cases is \$15.00 per month.
 - (B) The monthly fee shall be determined after obtaining a financial statement from the parent or guardian.

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(C) The fee schedule shall be based on total parent/guardian income.

(D) The chief administrative officer, or the chief administrative officer's designee shall approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.

(E) A deferred prosecution fee shall not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.

(2) Volunteers and Interns. If a juvenile probation department has or develops a volunteer or internship program, the juvenile board at a minimum shall adopt the following policies for the volunteer and internship program:

(A) a description of the authority, responsibility and accountability of volunteers and interns who work with the department;

(B) performance of a Texas criminal history background search (TCIC);

(C) performance of a local law enforcement sex offender registration records check in the city or county where the volunteer or intern resides;

(D) selection and termination criteria including disqualification based on criminal history;

(E) orientation and training requirements including training on reporting abuse, exploitation and neglect;

(F) a requirement that volunteers and interns meet minimum professional requirements; and

(G) a provision for a volunteer and intern sign in log.

(3) Experimentation. The policy shall at a minimum prohibit a department or juvenile justice program from using juveniles for medical, pharmaceutical, or cosmetic experiments.

§341.4. Waiver or Variance to Standards.

Unless expressly prohibited by another standard, the juvenile board, or chief administrative officer may make an application for waiver and the juvenile board may make an application for variance of any standard or standards adopted by the Commission in accordance with §349.2 of this title.

Subchapter C. CHIEF ADMINISTRATIVE OFFICER RESPONSIBILITIES**§341.9. Policy and Procedure Manual.**

(a) The chief administrative officer shall maintain and enforce a policy and procedure manual for the juvenile probation department, which shall include the policies, procedures, and regulations of the juvenile probation department as adopted by the juvenile board.

(b) The chief administrative officer shall provide all employees with a copy of or access to the policy and procedure manual, review the manual on an annual basis and update it as necessary.

§341.10. Participation in Community Resource Coordination Groups.

The chief administrative officer or his/her designee shall serve as the liaison to the community resource coordination group in accordance with the memorandum of understanding adopted in §349.69 of this title.

Subchapter D. TREATMENT AND SAFETY**§341.15. Treatment and Safety.**

(a) Serious Incidents. The chief administrative officer or his/her designee shall report to the Commission within 24 hours the escape, death, attempted suicide, and any serious injury, including youth on youth assaults, that require medical treatment by a physician or physician's assistant, that occurs in a juvenile justice program or juvenile probation department.

(b) Abuse, Exploitation and Neglect.

(1) Any employee, volunteer or intern of a juvenile probation department or juvenile justice program shall report to the Commission and local law enforcement any allegation of abuse, exploitation or neglect of a juvenile that occurs in or involves an employee, volunteer or intern of a juvenile justice program, juvenile probation department, pre-adjudication secure detention facility, short-term juvenile detention facility, post-adjudication secure correctional facility, or juvenile justice alternative education program.

(2) Any allegation of abuse, exploitation or neglect involving a juvenile under the jurisdiction of the juvenile court that is not alleged to have occurred in a juvenile justice program or facility under the jurisdiction of the juvenile board shall be reported as required in Texas Family Code §261.101.

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(3) A report of the alleged abuse, exploitation or neglect under subsection (1)(A) of this section shall be made within 24 hours from the time the allegation is made.

(c) Internal Investigation.

(1) An internal investigation shall be conducted for all allegations of abuse, exploitation or neglect in the juvenile probation department or any juvenile justice program.

(2) All employees, volunteers and interns shall fully cooperate with any investigation of alleged abuse, exploitation or neglect.

(3) Until the conclusion of the internal investigation, any person alleged to be a perpetrator of abuse, exploitation or neglect shall be placed on administrative leave or reassigned to a position having no contact with the alleged victim's family, and individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court.

(4) At the conclusion of the internal investigation, the chief administrative officer shall take appropriate measures to provide for the safety of the juveniles.

(5) The chief administrative officer or his/her designee shall submit a copy of the internal investigation to the Commission within five calendar days following the completion of the internal investigation.

(d) In the event the chief administrative officer is alleged to be a perpetrator of abuse, exploitation or neglect, the juvenile board shall:

(1) conduct the internal investigation or appoint an individual who is not an employee of the juvenile probation department to conduct the internal investigation;

(2) until the conclusion of the internal investigation place the chief administrative officer on administrative leave, or ensure the chief administrative officer has no contact with the alleged victim's family and individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court; and

(3) submit a copy of the internal investigation to the Commission within five calendar days following the completion of the internal investigation.

(e) The chief administrative officer shall ensure that juveniles under supervision of the juvenile probation department or

participating in a juvenile justice program shall not be subjected to abuse, exploitation or neglect as defined in Chapter 261, Texas Family Code.

§341.16. Testing.

The chief administrative officer shall make available testing for sexually transmitted diseases including HIV for any juvenile designated as a victim by the Commission in an investigation conducted under Chapter 349 of this title, if the Commission determines the victim was sexually abused in a manner by which HIV or any other sexually transmitted disease may be transmitted.

Subchapter E. EMPLOYMENT OF CERTIFIED JUVENILE PROBATION OFFICERS**§341.20. Qualifications for Employment.**

(a) Certified juvenile probation officer qualifications for employment shall adhere to the Texas Human Resources Code §141.061(a) and any additional standards promulgated by the Commission.

(b) One Year of Graduate Study Defined. The phrase "one year of graduate study," in Texas Human Resources Code §141.061(a)(3)(A), means at least 18 post-graduate credit hours earned in a behavioral science field with certification from the school of enrollment attesting that the student has an acceptable scholastic standing.

(c) Internships. Internships may be counted toward meeting one year's experience, where the duties performed were related to the field of juvenile justice.

§341.21. Exemption from Qualifications.

(a) The juvenile board, or chief administrative officer shall apply to the Commission for exemption of the requirements of one year of experience or graduate study prior to the employment of any individual who is hired for the position of juvenile probation officer who does not meet the experience or education requirements under Texas Human Resources Code §141.061. If the chief administrative officer makes a request for exemption under this section, the chief administrative officer shall in writing notify the juvenile board of the request simultaneous with the request's submission to the Commission.

(b) The exemption request shall be made using the form provided by the Commission. The exemption request shall document that diligent efforts were made to employ a juvenile probation officer with one year of experience or graduate study and state why, in the requestor's opinion, the efforts were unsuccessful.

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§341.22. Criminal Records Check.

Prior to employing a person as a certified juvenile probation officer, supervisor of juvenile probation officers, or chief administrative officer, the chief administrative officer, juvenile board, or either's designee shall initiate a criminal history check in accordance with the following guidelines.

(1) The following criminal history checks shall be conducted:

(A) a Texas criminal history background search (TCIC);

(B) a local law enforcement sex offender registration records check in the city or county where the applicant resides; and

(C) a Federal Bureau of Investigation fingerprint based criminal history background search (NCIC).

(2) In addition to the requirements of paragraph (1) of this section, if the applicant currently resides in one of the following states, or resided in one of the following states within the 10 years prior to the date the employment application was made, a state criminal history background search and state sex offender registration check shall also be conducted where available:

(A) Hawaii;

(B) Kansas;

(C) Kentucky;

(D) Louisiana;

(E) Maine;

(F) Massachusetts;

(G) New Hampshire;

(H) Rhode Island;

(I) Tennessee;

(J) Vermont; and

(K) the District of Columbia;

(3) An Internet based criminal background search shall not be used to conduct the background searches required under paragraph (1)(A) or (1)(C) of this section.

(4) A copy of the returned criminal history checks shall be retained in the department's records.

(5) Continued employment as a juvenile probation officer, supervisor of juvenile probation officers, or as the chief administrative officer shall be contingent upon the completion and return of criminal history checks that show the individual has no disqualifying criminal history in accordance with §341.23 of this chapter.

§341.23. Disqualification from Employment.

(a) Disqualifying Criminal History. A person with the following criminal history shall be disqualified from employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer:

(1) a felony conviction against the laws of this state, another state, or the United States within the past 10 years;

(2) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past 10 years;

(3) current felony probation or parole;

(4) a jailable misdemeanor conviction against the laws of this state, another state or the United States within the past 5 years;

(5) a deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United States within the past 5 years;

(6) current misdemeanor probation or parole; or

(7) registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

(b) Revocation or Suspension.

(1) Revocation. An individual whose certification has been revoked by the Commission shall never qualify for employment as a juvenile probation officer, supervisor of juvenile probation officers or chief administrative officer.

(2) Suspension.

(A) An individual whose certification is currently under a suspension order issued under §349.27(d)(2) of this title shall not qualify for employment as a juvenile probation officer, supervisor of juvenile

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probation officers or chief administrative officer so long as the suspension order remains in effect.

(B) An individual whose certification is currently under a suspension order issued under §349.31 of this title shall not qualify for employment as a juvenile probation officer until the Commission receives an order issued under Texas Family Code §232.013 staying or vacating the license suspension.

Subchapter F. REQUIREMENTS FOR JUVENILE PROBATION OFFICERS**§341.28. Persons Who Must be Certified.**

The chief administrative officer and any person hired as a juvenile probation officer, or as a supervisor of juvenile probation officers shall obtain and maintain an active juvenile probation officer certification from the Commission in accordance with Chapter 349 of this title.

§341.29. Duties of Certified Juvenile Probation Officers.

(a) In addition to any duties, responsibilities or powers granted by Title III of the Texas Family Code, the following duties and responsibilities shall be performed only by certified juvenile probation officers:

- (1) dispositional recommendations in formal court proceedings;
- (2) final approval of written social history reports;
- (3) acting as the primary supervising officer for all court ordered and deferred prosecution cases;
- (4) writing and administering case plans in accordance with the Commission's case management standards; and
- (5) if authorized by the juvenile board under Texas Family Code §53.01, conducting intake interviews, investigations, and making release decisions.

(b) An individual hired as a juvenile probation officer, who is not yet certified as a juvenile probation officer may perform the duties under (a) so long as the individual:

- (1) has not worked for the probation department for more than 6 months from the individual's date of hire;
- (2) has received training on each duty listed under (a); and

(3) has received training in recognizing and reporting abuse, exploitation and neglect.

§341.30. Code of Ethics.

The people of Texas expect of juvenile probation officers, supervisors of juvenile probation officers, and chief administrative officers unflinching honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end the Commission subscribes to the following principles.

(1) Juvenile Probation Officers shall:

- (A) respect the authority and follow the directives of the court, recognizing at all times that they are an extension of the court;
- (B) respect and protect the civil and legal rights of all children and their parents;
- (C) serve each case with concern for the child's welfare and with no purpose of personal gain;
- (D) encourage relationships with colleagues of such character to promote mutual respect within the profession and improvement of its quality of service;
- (E) respect the significance of all elements of the justice and human services systems and cultivate a professional cooperation with each segment;
- (F) respect and consider the right of the public to be safeguarded from juvenile delinquency;
- (G) be diligent in their responsibility to record and make available for review any and all case information which could contribute to sound decisions affecting a client or the public safety;
- (H) report without reservation any corrupt or unethical behavior which could affect either a child or the integrity of the department;
- (I) maintain the integrity of private information and not seek personal data beyond that needed to perform their responsibilities, nor reveal case information to anyone not having proper professional use for such;
- (J) respect, serve and empathize with the victims of law violations allegedly committed by children; and
- (K) abide by all federal, state, and local laws and Commission standards.

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(2) Juvenile Probation Officers shall not:

- (A) use their official position to secure privileges or advantages; make statements critical of colleagues or their departments unless these are verifiable and constructive in purpose;
- (B) permit personal interest to impair in the least degree the objectivity which is to be maintained in their official capacity;
- (C) use their official position to promote any partisan political purpose;
- (D) accept any gift or favor of a nature to imply an obligation that is inconsistent with the free and objective exercise of professional responsibilities;
- (E) make appointments, promotions or dismissals in furtherance of partisan political interests;
- (F) maintain an inappropriate relationship with juveniles assigned to their caseload, supervised by the juvenile probation department, or coming under the jurisdiction of the juvenile court. An inappropriate relationship can include but is not limited to: bribery, solicitation or acceptance of gifts, favors, or services from juveniles or their families, and the appearance of an inappropriate relationship;
- (G) not discriminate against any employee, prospective employee, child, child care provider, or parent on the basis of age, race, sex, creed, disability, or national origin;
- (H) be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code Chapter 261, and Title 37 Texas Administrative Code Chapter 349; and
- (I) interfere with or hinder a child abuse, exploitation and neglect internal investigation conducted under §341.15(b)(3) of this chapter or a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code Chapter 261, and Title 37 Texas Administrative Code Chapter 349, or any criminal investigation conducted by a law enforcement agency.

Subchapter G. CASE MANAGEMENT STANDARDS**§341.35. Definitions.**

The following words or terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) **Case Plan**--A written document that sets out actions and goals for a juvenile to follow while under the supervision of the juvenile court in order to make changes necessary to best meet the juvenile's status and circumstances over time. The case plan is developed for each adjudicated juvenile and addresses a juvenile's needs (e.g. educational, family, substance abuse, mental health, etc.), risks of re-offending, level of supervision, strengths and weaknesses, any appropriate intake information, strategies for juvenile supervision findings if any, preliminary investigation information, and victim impact statements utilizing all appropriate resources.
- (2) **Case Plan Review**--A written document that reviews and measures the initial case plan's goals for progress, including the reassessment and reevaluation of the juvenile's status, circumstances and resources.
- (3) **Courtesy Supervision**--A request from one Texas county (sending county) to another Texas County (receiving county) requesting supervision for an adjudicated juvenile who is or will be residing in the receiving county.
- (4) **Exit Plan**--The exit plan is the written document developed for each juvenile that identifies the juvenile's needs for post-supervision reintegration and specifies the community resources available to meet those needs. The purpose of the exit plan is to facilitate a continuum of community services to the juvenile and the juvenile's family after probation supervision ends.
- (5) **Field Supervision**--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.
- (6) **Formal Referral**--Occurs and should be counted when all three of the following conditions exist:
 - (A) delinquent conduct, conduct indicating a need for supervision or violation of probation was allegedly committed;
 - (B) the juvenile probation department has jurisdiction and venue; and

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(C) either a face-to-face contact occurs with the office or official designated by the juvenile board or written or verbal authorization to detain is given by the office or official designated by the juvenile board.

(7) Residential Placement--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(B) where the juvenile is placed on probation outside the child's home in either a foster home, or a public or private institution or agency.

(8) Substitute Care Provider--A foster home, public or private institution or agency that provides residential services to juveniles.

(9) Supervision--Supervision involves the case management of a juvenile by the assigned juvenile probation officer or designee through contacts (face-to-face, telephone, office, home, collateral) with the juvenile, juvenile's family, and other case planning participants.

(10) TJPC Standard Screening Tool--An instrument provided by the Texas Juvenile Probation Commission to assist in identifying juveniles who may have mental health needs.

§341.36. Screening.

(a) TJPC Standard Screening Tool. The TJPC Standard Screening Tool shall be completed for all juveniles who receive a formal referral to the juvenile probation department. If the TJPC Standard Screening Tool has been completed within the previous two weeks and is contained in the juvenile's case record, the department is not required to complete an additional screening.

(b) Time of Screening.

(1) Referrals Without Detention. The TJPC Standard Screening Tool shall be administered no later than 14 calendar days from the first face-to-face contact between the juvenile and a juvenile probation officer.

(2) Referrals With Detention.

(A) The TJPC Standard Screening Tool shall be administered to each juvenile admitted into detention.

(B) The TJPC Standard Screening Tool shall be administered within 48 hours from the time the juvenile is admitted into detention.

(c) Administration of Instrument. The TJPC Standard Screening Tool shall be administered by an individual trained to administer the instrument.

(d) Reports to the Commission. The summary scores of all juveniles screened using the TJPC Standard Screening Tool and any other information required by the Commission shall be electronically reported to the Commission on a monthly basis under §341.49 of this chapter (CASEWORKER counties), §341.54 of this chapter (non-CASEWORKER counties), or through a separate database provided by the Commission.

§341.37. Case Planning.

In accordance with §341.38 or §341.39 of this chapter, a written case plan shall be developed and implemented for juveniles assigned to progressive sanctions levels three through five and any juvenile given determinate sentence probation under Texas Family Code §54.04(q).

§341.38. Field Supervision.

(a) Initial Case Plan. The initial case plans for juveniles placed on field supervision shall be:

(1) developed in consultation with the juvenile's parent, guardian or custodian, the juvenile and the supervising juvenile probation officer and any other interested parties;

(2) developed within 60 calendar days from the date of the juvenile's disposition;

(3) signed and dated by the juvenile, the juvenile's parent, guardian or custodian, supervising juvenile probation officer and any interested parties; and

(4) maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian or custodian.

(b) Case Plan Review.

(1) Case plans shall be reviewed and updated:

(A) at least every six months;

(B) within 15 calendar days after a juvenile's probation is modified by a court order; and

(C) within 15 calendar days after acceptance of a juvenile's case from another county for courtesy supervision.

(2) The juvenile and at least one parent, guardian or custodian and the supervising juvenile probation officer shall participate in the review process.

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(3) The case plan review shall document the following:

- (A) appropriateness of the juvenile's current level of supervision and services;
- (B) extent of the juvenile's compliance with the individualized case plan;
- (C) extent of the juvenile's compliance with the conditions of probation;
- (D) extent of progress toward the goals outlined in the case plan;
- (E) a projection of a likely date the juvenile is expected to complete probation; and
- (F) services assessed, offered or provided to the juvenile and family to address identified risks and needs.

(4) All case plan reviews shall be signed and dated by the juvenile, the juvenile's parent, guardian, or custodian and the juvenile's supervising juvenile probation officer.

(5) Copies of every case plan review shall be maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian or custodian.

§341.39. Residential Placement.

(a) Initial Case Plan. The initial case plans for juveniles placed in residential placement shall:

- (1) be developed and implemented within 30 calendar days of the juvenile's initial date of placement;
- (2) be developed in consultation with the juvenile's parent, guardian or custodian, the juvenile, the substitute care provider and the supervising juvenile probation officer;
- (3) contain specific behavioral goals using the nine domains outlined in Title 1 Part 15 Texas Administrative Code §351.13;
- (4) be signed by the juvenile and the juvenile's parent, guardian or custodian and the juvenile's supervising probation officer; and
- (5) be retained in the juvenile's case file with copies provided to the juvenile, the juvenile's parent, guardian or custodian and the substitute care provider.

(b) Case Plan Review.

- (1) Case plans shall be reviewed and updated at least every 90 calendar days.
- (2) The juvenile and at least one parent, guardian, or custodian shall participate in the case plan review with the substitute care provider and the juvenile's supervising juvenile probation officer.
- (3) The case plan reviews shall measure the juvenile's progress toward meeting his/her goals using the six point scale outlined in Title 1 Part 15 Texas Administrative Code §351.13.
- (4) The outcome of the substitute care provider's service delivery shall be assessed based on whether the child is progressing in fifty percent or more of identified goals.
- (5) Case plan reviews shall be signed by the juvenile, the juvenile's parent, guardian, or custodian and the supervising juvenile probation officer.
- (6) Copies of every case plan review shall be retained in the juvenile's case file.

§341.40. Level of Supervision.

- (a) The juvenile probation department shall adopt written criteria the department will use to determine a juvenile's level of supervision, while under field supervision.
- (b) The level of supervision shall be included in the juvenile's written case plan, written under §341.35 of this chapter.
- (c) A minimum of one face-to-face-contact per month with the juvenile is mandatory unless otherwise noted in the case plan.

§341.41. Exit Plan.

- (a) A written exit plan shall be developed prior to the juvenile's scheduled release from probation.
- (b) An exit plan is to be provided at a date no later than the date the juvenile successfully completes probation, unless the juvenile was committed to the Texas Youth Commission.
- (c) The written exit plan shall be developed in consultation with the juvenile, the juvenile's parent, guardian or custodian, and the supervising juvenile probation officer.

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(d) The exit plan shall be signed and dated by the juvenile, the juvenile's parent, guardian or custodian and the supervising juvenile probation officer.

(e) The original exit plan shall be placed in the juvenile's case file.

(f) Copies of the exit plan shall be provided to the juvenile and the juvenile's parent, guardian, or custodian.

Subchapter H. DATA COLLECTION STANDARDS**1. CASEWORKER SYSTEMS****§341.47. Definitions.**

The following words or terms, when used during Division 1 of this subchapter shall have the following meanings unless the context clearly indicates otherwise.

(1) **CASEWORKER**--A personal computer-based tracking and case management system, developed and supported by the Commission, that provides juvenile probation officers a systematic method to track and manage juvenile offender caseloads.

(2) **Data Coordinator**--A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with the Commission on all matters relating to data collection and reporting.

(3) **TJPC Monthly Folder Extract**--An automated process to extract and submit modified case records from the department's CASEWORKER system to the Commission. The extract created by CASEWORKER follows in accordance with the Electronic Data Interchange Specifications.

(4) **Comprehensive Folder Edit**--A report generated in CASEWORKER that performs an extensive edit of the folder information. This report identifies incorrectly entered data, unrecoverable files, and questionable data that impact the accuracy of the reports and programs.

(5) **Electronic Data Interchange Specifications**--Document developed by the Commission outlining the data fields and file structures that each department is required to follow in submitting the TJPC monthly folder extract. The Electronic Data Interchange Specifications are published in Subchapter I, §341.60 of this chapter.

§341.48. Data Coordinator.

(a) Training Requirements.

(1) The data coordinator shall have a thorough understanding of the Commission reporting requirements and shall be trained in CASEWORKER by the Commission.

(2) Within 90 days from date of a new designation as data coordinator, the new data coordinator shall attend CASEWORKER training provided by the Commission.

(b) Duties.

(1) The data coordinator is responsible for ensuring that all data submitted to the Commission by the local juvenile probation department is accurate, timely, and consistent with the Commission reporting requirements.

(2) The data coordinator shall ensure that the TJPC Monthly Folder Extract is received on or by the applicable due date.

§341.49. TJPC Monthly Folder Extract.

(a) The TJPC Monthly Folder Extract shall be sent to the Commission via the Internet.

(b) The extract is due to the Commission on the tenth day of each month following the reporting period.

§341.50. Accuracy of Data.

(a) **Required Fields.** The probation department shall fill in all applicable data fields for each referral in their CASEWORKER system to minimize missing information.

(b) **Comprehensive Folder Edit.** Probation departments shall run the Comprehensive Folder Edit on a monthly basis.

(c) **Errors.** Errors detected by the Comprehensive Folder Edit, a Commission monitoring visit, or the Commission Research and Planning Division upon analysis shall be corrected prior to the next submission of the TJPC Monthly Folder Extract.

§341.51. Security of Data.

(a) Passwords.

(1) Passwords shall be assigned by the CASEWORKER administrator or management information systems

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administrator for each individual user and should not be shared by employees or other persons.

(2) Each department shall have a limited number of employees that are authorized to delete information contained within CASEWORKER.

(3) Access to the department's CASEWORKER system shall be removed concurrent with the termination of the person's employment.

(b) Backup and Restoration.

(1) All juvenile probation departments shall adopt and follow a written policy for the backup and restoration procedures relating to data, requiring, at a minimum, a system backup once per week.

(2) Departments must maintain at least five generations (copies) of data backups.

(c) Off-Site Storage.

(1) All juvenile probation departments shall store a system backup off-site to be accessible in case of a disaster at the department (fire, tornado, etc).

(2) An updated backup for off-site storage must be run at a minimum of once a month, in addition to the five generations of backup.

2. NON-CASEWORKER SYSTEMS**§341.52. Definitions.**

The following words or terms, when used in Division 2 of this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

(1) **Data Coordinator**--A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with the Commission on all matters relating to data collection and reporting.

(2) **TJPC Monthly Folder Extract**--An automated process to gather data relating to all case files in the case management system designed to analyze crime and juvenile trends, program success, and profiling of juvenile offenders. The extract shall be submitted in the format specified by the TJPC Electronic Data Specifications.

(3) **Electronic Data Interchange Specifications**--Document developed by the Commission outlining the data fields and

file structures that each department is required to follow in submitting the TJPC Monthly Folder Extract. The Electronic Data Interchange Specifications are published in Subchapter I, §341.60 of this chapter.

§341.53. Data Coordinator.

(a) **Training Requirements.** The data coordinator shall attend training, as required and deemed necessary by the Commission, relating to updates on statistical and research-based information and requirements.

(b) Duties.

(1) The data coordinator is responsible for ensuring that the data submitted to the Commission by the local juvenile probation department is accurate, timely, and consistent with the Commission reporting requirements.

(2) The data coordinator shall ensure that the TJPC Monthly Folder Extract is received on or by the applicable due date.

§341.54. TJPC Monthly Folder Extract.

(a) The TJPC Monthly Folder Extract data shall be sent to the Commission via the internet and shall include all data fields required by the TJPC Electronic Data Interchange Specifications.

(b) The extract is due to the Commission on the tenth day of each month following the reporting period.

§341.55. Accuracy of Data.**(a) Required Fields.**

(1) Departments shall fill in all applicable fields as specified in the CASEWORKER Extract File Layout.

(2) If the Commission requires additional fields, each department shall update their case management system to include such information.

(b) Maintaining Accuracy.

(1) Each department shall have a written policy and procedure to maintain accuracy of data submitted and methods of correcting errors.

(2) Each department shall report data elements that are consistent with the Commission definitions.

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(c) Errors. Errors detected by the department during daily operation, or by the Commission during the annual monitoring visit or by the Commission Research and Planning Division analysis shall be corrected prior to the next submission of the TJPC Monthly Folder Extract.

§341.56. Security of Data.

(a) Passwords.

(1) Department users shall be required to obtain a password to their case management system.

(2) Each department shall have a written policy and procedure to ensure secured access and to limit the number of employees that have access to delete information from the case management system.

(3) Access to the department case management system shall be terminated for people no longer employed by the department.

(b) Backup and Restoration. All juvenile probation departments shall adopt and follow a written policy for backup and restoration.

Subchapter I. ELECTRONIC DATA INTERCHANGE SPECIFICATIONS**§341.60. TJPC Monthly Folder Extract.**

The TJPC Monthly Folder Extract data shall include all data fields required by TJPC Electronic Data Interchange Specifications found in the figure below.

Figure 1: 37 TAC §341.60 (.pdf format)

Figure 2: 37 TAC §341.60 (.pdf format)

Subchapter J. RESTRAINTS**§341.65. Definitions.**

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

(1) Approved Physical Restraint Technique ("physical restraint")--A professionally trained restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints. The approved physical restraint technique shall be approved for use by the Commission and adopted by the juvenile board.

(2) Approved Mechanical Restraint Devices ("mechanical restraint")--A professionally manufactured mechanical device to aid in the restriction of a person's bodily movement. The approved mechanical restraint shall be approved by the Commission and adopted by the juvenile board. The following are Commission approved mechanical restraint devices:

(A) Ankle Cuffs--Metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs;

(B) Anklets--Cloth or leather band designed to be fastened around the ankle or leg;

(C) Handcuffs--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;

(D) Plastic Cuffs--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms or legs;

(E) Waist Band--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and

(F) Wristlets--A cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.

(3) Restraints--Physical or mechanical restraint.

§341.66. Requirements.

The use of restraints shall be governed by the following criteria:

(1) restraints shall only be used by juvenile probation officers;

(2) prior to participating in any restraint juvenile probation officers shall be:

(A) certified in the use of the approved physical restraint technique; and

(B) trained in the use of all approved mechanical restraint devices;

(3) restraints shall only be used in instances of threat of imminent self-injury, injury to others, or serious property damage;

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- (4) restraints shall only be used as a last resort;
- (5) only the amount force and type of restraint necessary to control the situation shall be used;
- (6) restraints shall be implemented in such a way as to protect the health and safety of the juvenile and others; and
- (7) restraints shall be terminated as soon as the juvenile's behavior indicates that the threat of imminent self-injury, injury to others, or serious property damage has subsided.

§341.67. Prohibitions.

Restraints that employ a technique listed below are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) restraints that deprive the juvenile of basic human necessities including restroom privileges, water, food and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile face down with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile face down with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile;
- (7) restraints that restrict the juvenile's ability to communicate;
- (8) restraints that obstruct the view of the juvenile's face;
- (9) any technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

§341.68. Documentation.

Documentation. Except as provided by §341.71(a) of this chapter, all restraints shall be fully documented and maintained. Written documentation regarding the use of restraints shall require at a minimum:

- (1) name of juvenile;
- (2) staff member(s) name and title(s) who administered the restraint;
- (3) date of the restraint;
- (4) duration of the restraint including notation of the time the restraint began and ended;
- (5) location of the restraint;
- (6) description of preceding activities;
- (7) behavior which prompted the restraint;
- (8) type of restraint applied;
- (9) efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (10) any injury that occurred during the restraint.

§341.69. Physical Restraint.

In addition to the requirements found in §341.66, §341.67, and §341.68 of this subchapter, juvenile probation officers shall be re-certified in the approved physical restraint technique at least every two years.

§341.70. Mechanical Restraint.

In addition to the requirements found in §341.66, §341.67, and §341.68 of this subchapter, the use of mechanical restraint, shall be governed by the following criteria:

- (1) Requirements.
- (A) mechanical restraints shall only be used in a manner consistent with their intended use; and
- (B) there shall be provisions for the inspection and maintenance of mechanical restraint devices.
- (2) Prohibitions.
- (A) mechanical restraint devices shall not be altered from the manufacturer's design;
- (B) a juvenile shall not be placed face down while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices;

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(C) a mechanical restraint shall not secure a juvenile in a prone position with his or her arms and/or hands behind the juvenile's back and secured to the juvenile's legs;

(D) mechanical restraint devices shall not be secured so tightly as to interfere with circulation nor so loosely as to cause chafing of the skin;

(E) mechanical restraint devices shall not be secured to a stationary object;

(F) a juvenile in mechanical restraints shall not participate in any physical activity; and

(G) plastic cuffs shall only be used in emergency situations.

§341.71. Transporting.

(a) Mechanical restraints used during routine transportation in a vehicle, or the taking of a juvenile into custody are not required to be documented as a restraint.

(b) During transportation of a juvenile in a vehicle the juvenile may not be affixed to any part of the vehicle.

(c) During transportation in a vehicle a juvenile may not be secured to another juvenile.