

#4

**SUMMARY OF PROPOSED CHANGES**  
**37 TAC §341.200**

<b>Rule #</b>	<b>Title of Rule</b>	<b>Summary of Rule</b>	<b>Summary of Key Revisions</b>
341.200	Administration	Establishes various responsibilities of juvenile boards relating to the operation of juvenile probation departments	<ul style="list-style-type: none"><li>Removed the requirement for the juvenile board chair or a designee to serve as representative to the interagency dispute resolution process for community resource coordination groups.</li></ul>

Hunt County Juvenile Probation Services (HCJPS)

**CHAPTER 341-----Standards with Policy and Procedure**

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## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

CHAPTER: PROBATION	SUBJECT: <b>Definitions and General Provisions</b>
STANDARD: 341.100 341.102	# of PAGES: 3
<b>Subchapter A</b>	

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

(1) **Alternative Referral Plan**--A procedure that deviates from the requirements of Texas Family Code §53.01(d) regarding referral of cases to the prosecutor.

(2) **Approved Personal Restraint Technique ("personal restraint")**--A professionally trained, curriculum-based, and competency-based 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.

(3) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:

(A) **Ankle Cuffs**--Metal band designed to be fastened around the ankle to restrain free movement of the legs.

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

(C) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.

(D) **Soft Restraints**--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.

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

(4) **Case Management System**--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.

(5) **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.

(6) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.

(7) **Criminogenic Needs**--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.

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

(9) **Department**--A juvenile probation department.

(10) **Draw**--To unholster a weapon in preparation for use against a perceived threat.

(11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.

(12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.

(13) **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.

(14) **Formal Referral**--An event that occurs only when all three of the following conditions exist:

(A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;

(B) the juvenile probation department has jurisdiction and venue; and

(C) the office or official designated by the juvenile board has:

(i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or

(ii) given written or verbal authorization to detain the juvenile.

(15) **Initial Disposition**--The disposition of probation issued by a juvenile court after a child is:

(A) formally referred to a juvenile probation department for the first time; or

(B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.

(16) **Inter-County Transfer**--As described in Texas Family Code §51.072, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.

(17) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.

(18) **Intern**--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.

(19) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.

(20) **Juvenile Board**--A governing board created under Chapter 152 of the Texas Human Resources Code.

(21) **Juvenile Justice Program**--A program or department that:

(A) serves juveniles under juvenile court or juvenile board jurisdiction; and

(B) is operated solely or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:

(i) juvenile justice alternative education programs;

(ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; and

(iii) juvenile probation departments.

(22) **Professional**--a person who meets the definition of professional in §344.100 of this title.

(23) **Resident**--A juvenile or other individual who has been lawfully admitted into a pre-adjudication

secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a nonsecure juvenile correctional facility.

(24) **Residential Placement**--Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.

(25) **Restraints**--Personal or mechanical restraint.

(26) **Responsivity Factors**--Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)

(27) **SRSXEdit**--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.

(28) **Supervision**--The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.

(29) **TCOLE**--Texas Commission on Law Enforcement.

(30) **Title IV-E Approved Facility**--A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.

(31) **TJJD**--Texas Juvenile Justice Department.

(32) **TJJD Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.

(33) **TJJD Mental Health Screening Instrument**--An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.

(34) **Volunteer**--An individual who performs services for the juvenile probation department without compensation from the department who has:

(A) any unsupervised contact with juveniles in a juvenile justice program or facility; or

(B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.

Unless expressly prohibited by another standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.

### *Policy*

*The words and terms in Chapter 341 of the Hunt County Juvenile Probation policy manual shall adhere to the preceding definitions unless context clearly indicates otherwise.*

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Juvenile Board Responsibilities</b>
STANDARD: 341.200,341. 202 & 341.204	# of PAGES 12
<b>Subchapter B</b>	

### **Standard: 341.200**

#### **(a) Local Juvenile Probation Services Administration.**

- (1) For each autonomous juvenile probation department, the juvenile board must employ a chief administrative officer who meets the standards set forth in Chapter 344 of this title.
- (2) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board must ensure that the juvenile probation department's policies, programs, and procedures are clearly differentiated.

#### **(b) Referral Ratio.**

The juvenile probation department must employ at least one certified juvenile probation officer for each 100 formal referrals made to the juvenile probation department annually.

#### **(c) Participation in Community Resource Coordination Groups.**

A person designated by the juvenile board must participate in the system of community resource coordination groups pursuant to Texas Government Code §531.055.

#### **(d) Notice of Complaint Procedures.**

The juvenile board must ensure the English and Spanish signs provided by TJJD relating to complaint procedures are posted in a public area of:

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

#### **(e) Research Studies and Experimentation.**

- (1) The juvenile board must establish a policy that prohibits participation by juveniles in research that employs an experimental design to test a medical, pharmaceutical, or cosmetic product or procedure.
- (2) Participation by juveniles in any other kind of research is prohibited unless:
  - (A) the research study is approved in writing by the juvenile board or its designee; and
  - (B) the juvenile board has established policies that:
    - (i) govern all authorized research studies;
    - (ii) prohibit studies that involve medically invasive procedures; and
    - (iii) adhere to all federal requirements governing human subjects and confidentiality.
- (3) If the juvenile board authorizes a board member or staff member to approve research studies on behalf of the board, the authorization must be in writing.
- (4) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.
- (5) Before a research study approved by the juvenile board begins, the research study must be reported to TJJD in a format prescribed by TJJD.
- (6) Results of a completed study must be made available to TJJD upon request.

#### **(f) Alternative Referral Plans.**

If a juvenile board adopts an alternative referral plan under Texas Family Code §53.01(d), the board must ensure the most recent version of the plan is submitted to the TJJD general counsel.

## **Policy and Procedures:**

The Hunt County Juvenile Board will employ a chief administrative officer who meets the standards in Chapter 344 of the Texas Administrative Code, to include all educational, certification and criminal history requirements.

Hunt County Juvenile Probation Services (HCJPS) operates as a single probation office and will maintain one certified probation officer per 100 formals referrals to the department.

The HCJPS Chief Juvenile Probation Officer or his/her designee will regularly attend and participate in the CRCG for Hunt County. The approval of this policy and procedure serves as the designation by the Juvenile Board for who should attend and participate in the CRCG pursuant to Texas Government Code §531.055.

When appropriate, HCJPS will present a case to the CRCG group in an effort to develop an individual plan with identified gaps in service delivery, collect and share data regarding the juvenile, and establish relationships among local service providers for collaboration outside of the CRCG meeting.

The Chief is to be kept informed of all CRCG related efforts.

Signs relating to the complaint procedures provided by TJJD are posted in the public lobby and probation office of HCJPS. This notice is posted in English and Spanish.

HCJPS prohibits experimentation on juveniles under the jurisdiction of this department. A juvenile shall not be used in any type of medical, pharmaceutical or cosmetic experiment. Prohibited experimentation includes those experiments conducted by the probation department or any outside entity or individual that has formal access to juveniles under the department's jurisdiction. The prohibition on experimentation extends to experiments in which voluntary consent has been provided by a parent, guardian, custodian and/or the juvenile. The juvenile board must approve any other research study in writing and before the study begins it must be reported to TJJD in the format requested by TJJD with results being made available to TJJD.

There are no alternative referral plans established with and for the HCJPS department.

### **Standard: 341.202**

#### **(a) Personnel Policies.**

The juvenile board must establish written personnel policies.

#### **(b) Department Policies.**

The juvenile board must establish written department policies and procedures. These policies must include, at a minimum, the following provisions, if applicable.

##### **(1) Deferred Prosecution.**

(A) If the juvenile board adopts a fee schedule for the collection of deferred prosecution fees, the board must establish a written policy that includes the following requirements.

(i) The monthly fee must be determined after obtaining a financial statement from the parent or guardian and may not exceed the maximum set by Texas Family Code §53.03.

(ii) The fee schedule must be based on total parent/guardian income.

(iii) The chief administrative officer or his/her designee must approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.

(B) A deferred prosecution fee may 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 utilizes volunteers or interns, the juvenile board must establish policies for the volunteer and/or internship program that include:

- (A) a description of the scope, responsibilities, and limited authority of volunteers and interns who work with the department;
- (B) selection and termination criteria, including disqualification based on specified criminal history;
- (C) a requirement to conduct criminal history searches as described in Chapter 344 of this title for volunteers and interns who will have direct, unsupervised access to juveniles;
- (D) a prohibition on having unsupervised contact with juveniles for volunteers and interns whose criminal history does not meet the requirements in Chapter 344 of this title;
- (E) the orientation and training requirements, including training on recognizing and reporting abuse, neglect, and exploitation;
- (F) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and
- (G) a requirement to maintain a sign-in log that documents the name of the volunteer/intern, the purpose of the visit, the date of the service, and the beginning and ending time of the service performed for the department.

**(3) Zero-Tolerance for Sexual Abuse.**

The juvenile board must establish zero-tolerance policies and procedures regarding sexual abuse as defined in Chapter 358 of this title. The policies and procedures must:

- (A) prohibit sexual abuse of juveniles under the jurisdiction of the department by department staff, volunteers, interns, and contractors;
- (B) establish the actions department staff must take in response to allegations of sexual abuse and TJJD-confirmed incidents of sexual abuse; and
- (C) provide for administrative disciplinary sanctions and referral for criminal prosecution.

**(4) Pretrial Detention for Certain Juveniles.**

As required by Texas Human Resources Code §152.0015, the juvenile board must establish a policy that specifies whether a person who has been transferred for criminal prosecution under Texas Family Code §54.02 and is younger than 17 years of age may be detained in a juvenile facility pending trial.

**(5) Juveniles Younger Than 12 Years of Age.**

As required by Human Resources Code §152.00145, the juvenile board must establish policies that prioritize:

- (A) the diversion of children younger than 12 years of age from referral to a prosecuting attorney under Family Code Chapter 53; and
- (B) the limitation of detention of children younger than 12 years of age to circumstances of last resort.

**(6) Taking Juveniles into Custody.**

The juvenile board must establish a policy that specifies whether juvenile probation officers may take a juvenile into custody as allowed by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015.

- (A) If the policy allows juvenile probation officers to take a juvenile into custody, the policy must specify whether the officers are allowed to use force in doing so.
- (B) If the policy allows juvenile probation officers to use force in taking a juvenile into custody, the policy must:
  - (i) address prohibited conduct, circumstances under which force is authorized, and training requirements;

(ii) require each use of force to be documented, except when the only force used is the placement of mechanical restraints on the juvenile.

### **Policy and Procedures:**

**Deferred Prosecution** matters at HCJPS will be handled in the following manner by a certified JPO.

*The JPO may offer deferred prosecution to a juvenile if it is in the best interest of the child AND:*

- (1) if the case does not require automatic referral to the prosecutor for review;
- (2) on automatic referral offenses -- if the JPO has reviewed the elements of the case with the prosecutor and obtained a waiver and assurance the offense can be prosecuted later if needed;
- (3) all cases must be reviewed with the supervisor prior to making a deferred offer;
- (4) after a thorough intake and gathering of records involved with child.

*If the juvenile and parent agree to the opportunity of deferred prosecution:*

- (1) The JPO will read the deferred agreement aloud and explain each section of the agreement in the presence of the juvenile and parent or guardian;
- (2) the JPO will obtain signatures from the juvenile and parent/guardian if the JPO believes the agreement is understood;
- (3) the JPO will sign the document and give a copy to the child and parent/guardian; (maintain a copy for the file)
- (4) the JPO will complete the disposition, supervision, non-residential, and fee sheets and route to the JCMS clerk for data entry;
- (5) begin supervision.

### **Deferred Prosecution Supervision Fee Schedule (\$0 min or \$15 max):**

The maximum supervision fee for deferred prosecution is \$15 a month. Based on the family income, the fee will be \$15 or \$0, unless it is waived altogether. There are no levels in the fee amount.

A financial statement documenting the total income of the parent or guardian will be obtained during the intake conducted by a JPO. The financial statement is a page in the intake packet.

Based on the financial statement that reflects the parent's or guardian's current income, the deferred prosecution agreement and the fee sheet will be completed by the JPO documenting the determined amount to be paid or if the fee was waived.

All JPOs are designated by the Chief as having authority to approve the deferred prosecution fee assigned to individual cases or the waiver of this fee. This will be accomplished by the JPO signing the deferred prosecution agreement and the intake packet that includes financial information.

The Hunt County Juvenile Board's approval of this policy shall serve as the adoption of listed fee schedule and rules for deferred prosecution fees.

### **Volunteers and Interns**

HCJPS does not operate an intern program at present.

## **Zero Tolerance for Sexual Abuse**

HCJPS and the Juvenile Board agree to follow these guidelines for the department's zero -tolerance regarding sexual abuse, neglect or exploitation:

The Hunt County Juvenile Board and the Hunt County Juvenile Probation Services prohibits any forms of abuse including sexual of any juveniles under their jurisdiction by department staff, volunteers, interns, and contractors.

HCJPS requires that any allegations of abuse, neglect, exploitation or death involving a juvenile will be reported to law enforcement, TJJD and any other required governmental units. In additions serious incidents will be reported to TJJD as well.

This applies to any allegations of abuse that involve a juvenile, an employee, volunteer or any other individual working under the auspices of a facility or program, regardless of the physical location of the alleged abuse, neglect, exploitation, death or serious incident.

Working under the auspices of a facility or program includes, providing a service to juveniles when that service is:

- (1) a condition of probation, deferred prosecution, or release; or
- (2) a condition otherwise imposed by a juvenile court or juvenile probation department

The report to TJJD may be made via phone call, email or fax. When the reporting is done by phone to TJJD, they can be reached at the toll free number 877-786-7263. If the initial reporting of the incident is made by phone, a completed TJJD Incident-Report form shall be subsequently submitted within 24 hours by fax or scan and sent to [abuseneglect@tjjd.texas.gov](mailto:abuseneglect@tjjd.texas.gov).

The official TJJD Incident Report Form is located with all other original forms kept by HCJPS. If the form cannot be located, it may be downloaded from the TJJD website at [www.tjjd.texas.gov](http://www.tjjd.texas.gov) .

The Chief has full responsibility for ensuring all serious incidents are reported to TJJD within the 24 hour timeline and employees will contact the Chief as soon as it becomes known that an incident has occurred. This report to TJJD may be made via phone call, email or fax. The 24 hour period is a real-time reporting requirement and is not affected or extended by the inclusion of weekends or holidays.

## **Identifying and Reporting Abuse, Neglect, Exploitation and Death**

### **Duty to Report.**

An employee, volunteer, or other individual working under the auspices of a facility or program must report the death of a juvenile or an allegation of abuse, neglect, or exploitation to TJJD and local law enforcement if he/she:

- (1) witnesses, learns of, or receives an oral or written statement from an alleged victim or other person with knowledge of the death of a juvenile or an allegation of abuse, neglect, or exploitation; or
- (2) has a reasonable belief that the death of a juvenile or abuse, neglect, or exploitation has occurred.

### **Non-Delegation of Duty to Report.**

In accordance with Texas Family Code §261.101, the duty to report cannot be delegated to another person.

### **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 within 24 hours from the time a person gains knowledge of or has a reasonable belief that alleged abuse, neglect, or exploitation has occurred.

#### **(2) Methods for Reporting.**

(A) The report to TJJD may be made by phone or by faxing or e-mailing a completed Incident Report Form.

(B) If the report to TJJD is made by phone, a completed Incident Report Form must be submitted within 24 hours after the phone report.

(C) The report to law enforcement must be made by phone.

### **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 fax or e-mail.

(C) The initial report to law enforcement must be made by phone.

### **Death of a Juvenile**

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

(A) A report of a death must be made to local law enforcement immediately, and no later than **one hour** after the discovery or notification of the death.

(B) A report of a death must be made to TJJD immediately, and no later than four hours after the discovery or notification of the death.

(C) A written report of the cause of death must be submitted to the state Attorney General no later than 30 days after the juvenile's death if required by Texas Code of Criminal Procedure Article 49.18(b).

(D) A copy of the death investigation report must be submitted to TJJD within 10 calendar days after completion.

#### **(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 phone report to TJJD, the completed Incident Report Form must be submitted to TJJD by fax or e-mail.

(C) The initial report to law enforcement must be made by phone.

## **Serious Incidents**

Besides the responsibilities to report abuse, neglect, exploitation or death an employee, volunteer or intern working with HCJPS must also report any serious incidents to TJJD if he/she;

- (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 a reasonable belief 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 a reasonable belief that the serious incident occurred.

### **(c) Methods for Reporting Serious Incidents.**

- (1) The report may be made by phone or by faxing or e-mailing 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 within 24 hours after the phone report.

If there is any medical documentation relating to the alleged incident that also must be submitted to TJJD within 24 hours of its receipt by HCJPS.

The HCJPS department will make all diligent efforts to notify a parent, guardian or custodian of a juvenile who may be the victim of abuse, neglect, exploitation, death or serious incident as soon as possible but no later than 24 hours from the time knowledge has been gained of an incident. This notification will be done by phone or in person. The Chief or his/her designee will make the notification and may solicit assistance of local law enforcement if needed. Notice of efforts will be noted on the required form sent to TJJD.

At each intake the probation officer will provide the juvenile and parent/guardian written information and explanation on recognizing and reporting abuse, neglect and exploitation in a Juvenile Justice Program and or Facility. A toll free number is provided with the information for free and confidential access to make a report.

Although the first person who learns of, or suspects, that a resident has been abused, neglected, or exploited may not be the person who completes the TJJD Incident Report Form, it is that person's responsibility to ensure the allegation or incident is reported to TJJD and law enforcement.

If the person who first learns or suspects, the allegation or incident has occurred is not the person who completes the TJJD Incident Report Form, that person shall complete and sign a written statement regarding the allegation or incident.

The person who completes and submits the TJJD Incident Report Form shall attach the signed written statement to the TJJD Incident Report Form.

It is the policy of this department that the Chief JPO or his/her designee will be the one completing the form and attaching a statement.

All HCJPS employees will be trained on this topic upon hire and before beginning any independent job duties. Employees will be re-trained upon changes in departmental policy and procedure. Training will be addressed after any internal investigation where abuse, neglect or exploitation is confirmed. Training topics will include but not be limited to: reporting and recognition of abuse, neglect and exploitation of a juvenile, recognizing inappropriate conduct with juveniles, behavior that could be considered mistreatment, including but not limited to horse play and use of profanity.

If an allegation of abuse, neglect or exploitation occurs outside a program under the jurisdiction of the HCJPS juvenile board (i.e., in the home, in a facility licensed by another agency or in a school), the alleged incident shall be reported to law enforcement and the appropriate agency in accordance with Texas Family Code Section Chapter 261.

Allegations of abuse, neglect and exploitation that occur in the home:

Texas Dept. of Family and Protective Services

1-800-252-5400

[www.txabusehotline.org](http://www.txabusehotline.org)

Allegations that occur in a substance abuse treatment facility:

Texas Department of State Health Services

1-800-832-9623

[www.tcada.state.tx.us](http://www.tcada.state.tx.us)

Allegations that occur in a facility operated by the Texas Juvenile Justice Department:

1-877-786-7623

[abuseneglect@tjjd.texas.gov](mailto:abuseneglect@tjjd.texas.gov)

**Internal Investigations**

- (1) An internal investigation shall be conducted for all allegations of abuse, exploitation or neglect or death of a juvenile. This will be done under the direction of the Chief JPO of HCJPS.

The internal investigation shall start immediately upon discovering any allegation of death, abuse, neglect or exploitation. All attempts will be made to ensure the safety of any juvenile involved in the allegation throughout the investigation. The internal investigation could be postponed for the following three reasons:

- (1) if directed by law enforcement
- (2) if requested by TJJJ
- (3) if the integrity of potential evidence could be compromised.

The final written report of the investigation shall be submitted to TJJJ within 5 days of completion of the internal investigation and will be concluded within 30 days of the initial report to TJJJ. If any time is needed beyond the 30 days then a request will be sent to TJJJ for an extension. The internal investigation will include the following information:

- (1) the date the internal investigation was initiated;
- (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, polygraph examinations, etc.;
- (9) relevant findings of the investigation that support the disposition;
- (10) one of the following dispositions:
  - (A) founded;

(B) unfounded; or

(C) inconclusive;

(11) the administrative action, disciplinary action, or corrective measures taken to date, if applicable (e.g., termination, suspension, retrained, returned to duty, or none);

(12) the date the internal investigation report was completed;

(13) the names of all persons who participated in conducting the internal investigation; and

(14) the name and signature of the person who submitted the internal investigation report.

Any following documentation collected during the internal investigation will be submitted to TJJD with report. This may include the following:

(1) written statements;

(2) relevant medical documentation; (a treatment discharge or other medical documentation about medical treatment must be submitted to TJJD within 24 hours after receipt by the department.

(3) training records, if applicable; and

(4) any other documentation used to reach the disposition of the internal investigation.

All employees, volunteers and interns shall fully cooperate with any investigation of alleged abuse, neglect, exploitation or death of a juvenile. This includes an investigation by HCJPS, law enforcement, or TJJD. Hunt County will make a diligent effort to make available all person who may have knowledge of the reported incident. All evidence will be provided to TJJD in the format requested. HCJPS will make diligent efforts at acquiring written or electronically recorded statements from all persons with knowledge of the alleged incident.

There is one exception to this standard. An employee, intern or volunteer who has been identified as an alleged perpetrator has the right to refuse to be interviewed. However, the alleged perpetrator shall cooperate with the investigation to the extent the investigation does not violate the individual's right to remain silent.

Under the direction of the Chief JPO and until the conclusion of the internal investigation, any HCJPS employee, intern, or volunteer alleged to be a perpetrator of abuse, exploitation or neglect will immediately be placed on administrative leave or reassigned to a position having no contact with the alleged victim's family, and juveniles under supervision by the juvenile probation department, participating in any juvenile justice program or under the jurisdiction of the HCJPS juvenile court.

- This reassignment or administrative leave will be effective through the conclusion of HCJPS' internal investigation.
- Reassignment of the alleged perpetrator to administrative duties is acceptable as long as there is no contact with any juvenile in any juvenile justice program.
- The employment status of the alleged perpetrator at the time the incident is reported shall be clearly stated on the TJJD Incident Form.
- The employment status of the alleged perpetrator at the conclusion of the internal investigation shall be clearly stated in the internal investigation report.
- If the person who is the subject of the investigation resigns or is terminated, TJJD will be notified within two business days.
- If the subject of an internal investigation gains employment in another jurisdiction before there is a disposition that subject may not have contact with youth until the matter is finalized.

At the conclusion of the HCJPS internal investigation, the Chief JPO shall take appropriate measures to provide for the safety of the juveniles in the event of

- a conclusion that an incident of abuse, neglect or exploitation occurred measures may include but not be limited to:
- additional training of staff specifically involved in the incident, or
- additional training for all staff, or
- permanent reassignment of staff involved in the incident, or
- suspension or termination of staff involved in the incident.

In the event a conclusion that a violation of the Code of Ethics is discovered

- a separate internal investigation may be conducted regarding the Code of Ethics,
- if the investigation substantiates that a code of ethics violation occurred, the violation shall be reported to TJJJ.
- the Chief or the juvenile board has 2 options:
- the information regarding the code of ethics violation may be included in the abuse, neglect and exploitation internal investigation, or
- a separate internal investigation report that addresses only the violation of the code of ethics may be submitted.

In the event the Chief JPO is alleged to be a perpetrator of abuse, neglect or exploitation, the HCJPS 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 or the death of a juvenile.

- The Chief JPO shall not conduct the internal investigation if he/she is alleged to be the perpetrator.
- TJJJ is not authorized to conduct internal investigations for any department or program due to creating a conflict of interest a criminal investigation by a law enforcement agency cannot be accepted in lieu of the department's internal investigation because a criminal investigation has a different purpose than a departmental internal investigation.
- In the event the Chief JPO is alleged to be a perpetrator of abuse, exploitation or neglect, the Juvenile Board will place the Chief JPO on administrative leave OR ensure the Chief JPO 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 HCJPS juvenile court.
- the Chief JPO is not required to discontinue his/her employment as long as those duties do not include the supervision of or contact with juveniles or families of juveniles in justice programs.
- in the event the Chief JPO is alleged to be a perpetrator and is placed on administrative leave, a designee shall be assigned to carry out the duties and responsibilities of the Chief JPO in his/her absence.
- the employment status of the Chief JPO at the time the incident is reported shall be clearly stated on the TJJJ Incident Report Form.
- the administrative leave or reassignment shall be effective through the conclusion of the internal investigation.
- the employment status of the Chief JPO at the conclusion of the internal investigation shall be clearly stated in the internal investigation report.



- The format for the report for this investigation shall cover the same information listed above as in any other internal investigation.

**All employees, volunteers or interns are required to keep the Chief informed of any suspicions or allegations at all times. Probation Officers are required to Chrono everything.**

### **Pre-Trial Detention for Certain Juveniles**

The Hunt County Juvenile Board has adopted a policy disallowing persons under 17 who are certified to stand trial as adults to be detained in a juvenile facility pending trial and on the order of the juvenile court judge. This shall apply only to offenses committed on or after September 1, 2011. The resolution was put into place on September 6, 2011. This will remain in effect until repealed or replaced by the Juvenile Board of Hunt County.

### **Juveniles Younger Than 12 Years of Age**

It is the policy of the Hunt County Juvenile Probation Department, to the extent possible, that any youth younger than age twelve (12) referred for an offense not requiring formal review by the prosecutor under TFC §53.01 will be diverted from prosecution and the decision for detention will be implemented only as a last resort when other options are unavailable.

Upon receiving a referral, the assigned JPO or intake officer will determine if the following circumstances exist:

1. The child is younger than 12 years of age;
2. There is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;
3. The child's case does not require referral to the prosecuting attorney.
4. The child is eligible for deferred prosecution.
5. The child and the child's family are not currently receiving services from the probation department and would benefit from receiving the services.

The assigned officer will then refer the child's case to the local CRCG or other community juvenile service provider. The assigned officer will take the recommendations from the local CRCG and or service provider to create and coordinate a service plan for appropriate services for the youth and family. The child, parent/guardian will be informed the consent for services is voluntary. The department may monitor the child for up to three months for compliance with the service plan. However, the assigned officer may refer the case to the prosecutor if the child fails to successfully participate in required services during the three months. The assigned officer may adjust the service plan or care as necessary during the monitoring period of the youth.

### **Taking Juveniles Into Custody**

Certified Juvenile Probation Officers employed with the Hunt County Juvenile Probation Department are authorized to detain juvenile under the following circumstances;

- (1) If there is probable cause to believe that the child has violated a condition of probation imposed by the juvenile court
- (2) If there is probable cause to believe that the child has violated a condition of release imposed by the juvenile court (departmental conditions of release that are violated must have a directive to apprehend prior to a juvenile being detained)
- (3) On the issuance of a directive to apprehend.

The probation officers will not use force to detain the youth except that they are authorized to use the personal restraint technique (Handle with Care which is approved by TJJD) should the youth become combative or out of control and may result in restraining the child during the time in which they are being taken into custody. The probation officers are not required to document placing mechanical restraints on the juvenile for transport. Beginning January 1, 2017, the probation officer staff and community activity officers will be retrained at least every 365 days on the proper use of Handle with Care when dealing with juveniles.

#### **Standard 341.204**

**(a) Duty to Certify Juvenile Justice Facilities.**

The juvenile board serving the county where a juvenile justice facility is located must certify and register the facility as required by Texas Family Code §§51.12, 51.125, and 51.126, as applicable.

**(b) Prohibition on Placing Juveniles in Non-licensed Facilities.**

The juvenile board must ensure that juveniles under its jurisdiction are placed only in:

- (1) juvenile justice facilities that are certified by a juvenile board in Texas; or
- (2) public or private residential facilities or programs licensed by a state governmental entity or exempted from licensure by state law.

#### ***Policy and Procedures***

HCJPS does not have a juvenile justice facility in its jurisdiction.

HCJPS will obtain copies of the certifications or licenses for any juvenile justice facility, residential facility or program that it receives services from. The copies will be maintained in the contracting folders.

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Chief Administrative Officer Responsibilities and Diversion of Youth Under Age 12</b>
STANDARD: 341.300 & 341.302 TFC §53.01 (b-1) and §53.011	# of PAGES 2
<b>Subchapter C</b>	

### ***Standard 341.300***

- (a) The chief administrative officer must develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must include the policies and procedures of the juvenile probation department as established by the juvenile board.
- (b) The chief administrative officer must provide all employees with a copy of or access to the policy and procedure manual, review the manual no later than the last day of the calendar month of the previous year's review, maintain documentation of this review, and update the manual as necessary.

### ***Policy***

The chief administrative officer shall maintain an administrative manual for HCJPS. This includes developing, updating, and facilitating formal juvenile board approval for the manual.

The administrative manual applies to all HCJPS employees and shall identify:

- (1) the policies, procedures, and regulations of the juvenile probation department and
- (2) a current organizational chart depicting structure, lines of authority, and responsibility.

The chief administrative officer shall:

- (1) enforce the policies & procedures contained in the department's policy & procedure manual
- (2) ensure departmental staff are trained in and adhering to all of the policies and procedures
- (3) provide the employees access (at any time) to the administrative manual without going through a supervisor or the Chief
- (4) notify employees of updates to the manual at employee staff meetings after changes are approved
- (5) ensure updates and revisions are placed in all copies of the manual in a timely manner
- (6) review the policy & procedure manual no later than the last day of the calendar month from the prior annual review
- (7) document the date of the annual review of the policy manual and sign it
- (8) notify the juvenile board of any significant changes to the policies and ensure their review and approval by the juvenile board

A complete copy of the manual will be kept where it is accessible to all employees. The contents of the policy manual shall become an integral part of the staff orientation.

The policy manual is subject to revision according to interoffice policy and TJJD standards. The juvenile board shall review and approve the updated policies in a formal open meeting with documentation in the juvenile board minutes, resolution or other written documentation.

The chief administrative officer retains full responsibility for the policy and procedure manual but may elect to delegate some of the policy and procedure manual maintenance duties to other departmental staff.

It is the responsibility of all employees to keep current on all policies and procedures that are in the policy and procedure manual.

***Standard 341.302***

The chief administrative officer or his/her designee must serve as the liaison to the local community resource coordination group pursuant to Texas Government Code §531.055.

***Policy***

The HCJPS Chief administrative officer or his/her designee will regularly attend and participate in the CRCG for Hunt County. The approval of this policy and procedure serves as the designation by the Juvenile Board for who should attend and participate in the CRCG pursuant to Texas Government Code §531.055.

When appropriate, HCJPS will present a case to the CRCG group in an effort to develop an individual plan with identified gaps in service delivery, collect and share data regarding the juvenile, and establish relationships among local service providers for collaboration outside of the CRCG meeting.

The Chief is to be kept informed of all CRCG related efforts.

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Duties of Certified Juvenile Probation Officers, Duties of Certified Community Activities Officers &amp; Supervising and Transporting Juveniles</b>
STANDARD: 341.400, 341.402 & 341.403	# of PAGES 3
<b>Subchapter D</b>	

### ***Standard 341.400***

**(a)** The following duties and responsibilities may be performed only by certified juvenile probation officers, except as allowed by subsection (b) of this section:

- (1) recommending a disposition in formal court proceedings;
- (2) providing final approval of written social history reports;
- (3) acting as the primary supervising officer for court-ordered and deferred prosecution cases;
- (4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;
- (5) developing and implementing case plans in accordance with Subchapter E of this chapter;
- (6) conducting intake interviews and preliminary investigations and making release decisions under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;
- (7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;
- (8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;
- (9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;
- (10) providing to the juvenile and to the juvenile's parent, guardian, or custodian a written explanation of the process of sealing juvenile records and a copy of Family Code Chapter 58, Subchapter C-1.

**(b)** An individual hired as a juvenile probation officer who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) only if the individual has :

- (1) not exceeded the deadline for submitting a certification application established by Chapter 344 of this title;
- (2) completed a minimum of 40 hours of training, which must include the mandatory exam topics required in Chapter 344 of this title; and
- (3) passed the certification exam for juvenile probation officers.

### ***Policy and Procedure***

HCJPS department will make sure that only certified juvenile probation officers perform the following duties with the exception that if they are not yet certified but have received 40 hours of training including mandatory topics established in Chapter 344 of this title, they may perform those same duties until receiving their certification has they have passed the certification exam and it is not past the 180 day deadline. The duties may include:

- (1) recommending a disposition in formal court proceedings;
- (2) providing final approval of written social history reports;
- (3) acting as the primary supervising officer for court-ordered and deferred prosecution cases;
- (4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;
- (5) developing and implementing case plans in accordance with Subchapter E of this chapter;
- (6) conducting intake interviews and preliminary investigations and making release decisions under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;
- (7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;
- (8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;
- (9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;
- (10) providing to the juvenile and to the juvenile's parent, guardian, or custodian a written explanation of the process of sealing juvenile records and a copy of Family Code Chapter 58, Subchapter C-1.

Every effort will be made by HCJPS to provide a new employee hired as a juvenile probation officer the opportunity to obtain their certification within the TJJD time frame of 180 calendar days.

HCJPS juvenile probation officers will be certified, or receive in-house training on the required topics, prior to performing any of the duties stated above.

***Standard 341.402***

(a) The following duties and responsibilities may be performed only by certified community activities officers, except as allowed by subsections (b) and (c) of this section:

- (1) supervising juveniles in a non-secure setting within a juvenile justice program; or
  - (2) transporting juveniles in a non-secure setting within a juvenile justice program.
- (b) An individual hired into a position requiring certification as a community activities officer who is not yet certified as a community activities officer may perform the duties under subsection (a) of this section only if the individual has:

- (1) not exceeded the deadline for submitting a certification application established by Chapter 344 of this title; and
- (2) completed at least 40 hours of training, which must include the topics listed in §344.626 of this title.

(c) The following individuals may perform the duties listed in subsection (a) of this section:

- (1) a certified juvenile probation officer; or
- (2) a certified juvenile supervision officer.

(d) Notwithstanding subsections (a) and (b) of this section, an individual in a position requiring certification as a community activities officer may participate in the administration of intensive physical activity, as defined in Chapter 348 of this title, only if the individual has received training in adolescent development and behavior.

(e) Nothing in this chapter is intended to require professionals who are providing services in their professional capacity to obtain certification as a community activities officer. For purposes of this chapter, providing services in a professional capacity is not considered supervising juveniles.

### ***Policy***

Any personnel that will be certified as community activities officers and working with HCJPS will receive the required training as specified in Chapter 344 of this title. If they have received 40 hours training including the required topics and have not past the 180 day deadline, the officers may perform the duties listed below while awaiting their certification. JPOs and JSOs may perform the duties listed below for HCJPS without obtaining the additional certification as a community activities officer.

- (1) supervising juveniles in a non-secure setting within a juvenile justice program; or
- (2) transporting juveniles in a non-secure setting within a juvenile justice program.

### ***Standard 341.403***

At least one staff member who is supervising or transporting a juvenile in a non-secure setting within a juvenile justice program must be certified in cardiopulmonary resuscitation and first aid.

### ***Policy and Procedure***

HCJPS will allow only juvenile probation officers and community activities officers to supervise and transport juveniles under its jurisdiction. The officers working for HCJPS will maintain their regular certification in CPR and first aid to ensure that during supervision or transport at least one personnel will be certified in CPR and first aid.

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Case Management</b>
STANDARD: 341.500, 341.502, 341.504 & 341.506	# of PAGES 6
<b>Subchapter E</b>	

### ***Standard 341.500***

(a) The TJJD mental health screening instrument must be completed for all juveniles who receive a formal referral to the juvenile probation department, except in the specific circumstances listed in paragraphs (1)-(2) of this subsection.

(1) A clinical assessment by a licensed mental health professional may be substituted for the TJJD mental health screening instrument if the assessment is completed within the time frames listed in subsection (b) of this section.

(2) The department is not required to complete an additional screening if the TJJD mental health screening instrument has been completed within the previous two weeks and is contained in the juvenile's case record.

(b) If the juvenile is not admitted into detention, the TJJD mental health screening instrument must be administered no later than 14 calendar days after the date of the first face-to-face contact between the juvenile and a juvenile probation officer. If the juvenile is admitted into detention, the detention facility is required under §343.404 of this title to administer the TJJD mental health screening instrument within 48 hours after admission and to send the results to the supervising juvenile probation officer.

(c) The individual administering the TJJD mental health screening instrument must have received training from:

(1) TJJD or its predecessor agency on administering the mental health screening instrument; or

(2) an individual who is documented to have received training from TJJD or its predecessor agency on administering the mental health screening instrument.

### ***Policy and Procedure***

All juveniles who have a formal or paper formalized referral to this department, with or without detention, will have a completed TJJD approved mental health screening assessment in their file. The MAYSI is the current assessment approved by TJJD for use by HCJPS.

If there is a prior assessment in the file and it is more than 2 weeks old at the time a probation intake is done, a new MAYSI will be completed.

The probation intake MAYSI will be conducted at the intake interview for each referral unless the newest referral is within the allowable 2 week time frame for prior MAYSI testing.

In the event administering a MAYSI at the intake interview is not possible, the intake JPO has 14 calendar days (from the intake date) to get the MAYSI completed.

The intake JPO conducting the MAYSI will be trained in administering this instrument.

The MAYSI will be administered and signed by the intake JPO conducting the first face



to face interview.

The MAYSI results will be submitted to JCMS clerk for data entry. The MAYSI will be filed in the juvenile's probation file.

A clinical assessment by a licensed mental health professional can substitute for the MAYSI screening if it is done within the required time frames.

HCJPS contracts for the detention of its youth. The facility in which the juvenile is sent is responsible for administering a mental health screening within 48 hours and sending the results to the supervising JPO. It is still the responsibility of HCJPS JPOs to make sure they have received the copy, reviewed it and to pass it to the JCMS clerk for entry and filing. Chrono Everything.

### ***Standard 341.502***

- (a) A juvenile probation department must complete a risk and needs assessment for a juvenile:
  - (1) before each disposition in a juvenile's case; and
  - (2) at least once every six months.
- (b) The risk and needs assessment instrument must be:
  - (1) validated; and
  - (2) approved or provided by TJJD.
- (c) The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.

### ***Policy and Procedure***

The HCJPS will assess every juvenile prior to a disposition in a case using a validated risk and needs instrument which is also approved by TJJD. Once every six months, the assessment will be re-administered to determine if any needs have changed for the juvenile under supervision of the department. Before administering the assessment, a JPO will be trained on how to administer and score the instrument. JPOs will keep a copy of the instrument in the juvenile's file and will make sure the information is added to the JCMS system.

### ***Standard 341.504***

Each department's case management policies and procedures must:

- (1) establish that individualized case management practices are based on a consideration of the following factors, at a minimum:
  - (A) results of the department's risk and needs assessment instrument;
  - (B) criminogenic needs;
  - (C) risk level to reoffend;
  - (D) responsivity factors; and
  - (E) involvement of the parent(s), guardian, or custodian; and
- (2) require a minimum of one face-to-face contact per month with each juvenile under supervision unless otherwise noted in the case plan

### ***Policy and Procedure***

While managing the case file of any juvenile under the supervision with HCJPS, the JPO will review the risk and needs assessment and consider the following in developing the best course of action for the juvenile's case

- (A) results of the department's risk and needs assessment instrument;
- (B) criminogenic needs;
- (C) risk level to reoffend;
- (D) responsivity factors; and
- (E) involvement of the parent(s), guardian, or custodian; and
- (F) any other factors discovered in the initial investigation of the circumstances of the child that are deemed important to their rehabilitation and services the department may render.

All HCJPS JPOs are required to have one face to face contact with juveniles under field supervision on their caseloads unless otherwise noted in the child's case plan. Instances where the face to face contact may not be monthly, include problems with proximity due to placement of the child outside of the county.

***Standard 341.506***

(a) A case plan must be developed for each juvenile assigned to progressive sanctions level three, four, or five, as defined in Texas Family Code Chapter 59, and for each juvenile given determinate sentence probation under Texas Family Code §54.04(q).

(b) The case plan must be completed within 30 calendar days after the date of initial disposition. The case plan must be:

(1) developed by a juvenile probation officer in coordination with the juvenile and the juvenile's parent, guardian, or custodian;

(2) signed by a juvenile probation officer, the juvenile, and the juvenile's parent, guardian, or custodian; and

(3) retained, with copies provided to:

(A) the juvenile;

(B) the juvenile's parent, guardian, or custodian; and

(C) upon placement of a juvenile in a residential placement, staff at the residential placement.

(c) The case plan must address:

(1) relevant criminogenic need(s), as determined by the department; and

(2) the following information for each criminogenic need addressed in the case plan:

(A) goal(s); and

(B) for each goal:

(i) action step(s);

(ii) person(s) responsible for completing the action step(s);

(iii) time frame for completing the action step(s); and

(iv) status of the goal;

(3) identification of relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while the juvenile is under supervision and after supervision ends;

(4) facility name and phone number, if the juvenile is in a residential placement; and

(5) level of supervision.

(d) Except as noted in subsection (f) of this section, the juvenile probation officer must complete and document the following actions each calendar month after the case plan has been developed:

(1) discuss progress toward meeting case plan goals with:

(A) the juvenile;

(B) the juvenile's parent(s), guardian, or custodian; and

(C) the residential provider where the juvenile is placed, if applicable; and

(2) update the status and progress toward meeting case plan goals and action steps.

(e) If the parent, guardian, or custodian cannot be located or is unable or unwilling to participate in developing or updating the case plan as required in subsection (b) or (d) of this section, documentation of the reason the parent, guardian, or custodian did not participate must be maintained.

- (f) The requirements in subsection (d) of this section do not apply after a request for an inter-county transfer has been submitted and before the sending and receiving counties have agreed on the official start date, as described in Texas Family Code §51.072 (f-1).
- (g) Within 30 calendar days after the official start date for an inter-county transfer, the receiving county must:
- (1) assume responsibility for the monthly updates described in subsection (d) of this section; or
  - (2) complete a new case plan in accordance with subsections (b) and (c) of this section.
- (h) Section 341.506 of this title does not apply to:
- (1) juveniles on field supervision in departments that currently participate in Title IV-E reasonable candidacy;
  - (2) juveniles who have been certified or are pending certification as Title IV-E eligible; or
  - (3) juveniles who are receiving services under the Special Needs Diversionary Program administered by TJJD.
- (i) A case plan is required in accordance with subsections (b) and (c) of this section within 30 calendar days after any of the following events:
- (1) a juvenile is discharged from the Title IV-E foster care reimbursement program or is determined to be ineligible for the Title IV-E program;
  - (2) a juvenile is discharged from the Special Needs Diversionary Program; or
  - (3) a department ceases to participate in claiming Title IV-E reasonable candidate costs.

### ***Policy and Procedure***

HCJPS supervising JPOs will develop a case plan for all juveniles on their case load under progressive sanction levels three, four or five or on determinate sentence probation. The case plan will be developed in coordination with parent, guardian or custodian and the juvenile and signed by all parties. A case plan will be developed within the first 30 days after a juvenile is placed on probation. If the juvenile is in placement, the residential provider or their designee will assist in developing goals for the youth while they are placed. Once a month thereafter, the assigned JPO will discuss the progress of the goals and action steps with the juvenile, parent, guardian or custodian or the residential provider if the youth is placed. The updates on their progress will be noted in their files. The supervising JPO will make diligent efforts to obtain the parent, guardian or custodian's participation in this process. If the parent, guardian or custodian is unwilling to participate or cannot be found to accomplish these steps then the assigned JPO will make notes concerning the reasons they did not participate in the youth's case planning. When HCJPS receives an inter-county case for supervision, the JPO assigned will develop a new case plan within 30 days of the supervision start date and start monthly updates thereafter. All parties will receive a copy of the case plan and updates.

Each case plan developed will include the following;

- (1) relevant criminogenic need(s), as determined by the department; and
- (2) the following information for each criminogenic need addressed in the case plan:
  - (A) goal(s); and
  - (B) for each goal:
    - (i) action step(s);
    - (ii) person(s) responsible for completing the action step(s);
    - (iii) time frame for completing the action step(s); and
    - (iv) status of the goal;
- (3) identification of relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while the juvenile is under supervision and after supervision ends;
- (4) facility name and phone number, if the juvenile is in a residential placement; and
- (5) level of supervision. ( levels of supervision on the case plan include ISP or Probation)

Interstate Compact cases do not require that case plans are administered to cases received from other states. The department will follow the guidelines set forth in the Family Code in Chapter 60 on how to respond to services provided to youth under interstate compact.

HCJPS does not participate in the Title IV-E program at this time.

**Other required case management responsibilities.**

The supervising JPO is responsible for the overall management of the cases assigned to him/her. Supervision will be carried out according to the formal court order or the deferred prosecution agreement.

The supervising JPO will make several types of contacts with the youth assigned them to include, office or home visits, school visits, curfew checks, etc. Probation officers going into the field to conduct home assessments, curfew checks or home visits must have another JPO or transport officer accompany them.

Checks of school attendance will be done routinely. The frequency will be determined by the juvenile's absentee history. In the event a juvenile's residence needs to change, a home study of potential family placement will be conducted by the JPO prior to moving. If the distance is too far, assistance can be requested from the probation department in the jurisdiction the child will be residing.

The supervising JPO may conduct random urinalysis testing based on the probation order or conditions of release.

Juveniles reporting to the office while on probation must fill out a report form each and every time they report. If the supervising JPO is unavailable, any JPO can see the youth in their absence.

Every officer will participate in an on call rotation. It is required for on-call staff of HCJPS to have the on call cell phone with them at all times when on-call. The length of time is for one week. On-call duties take priority over regular duties because they require immediate attention if a youth is detained.

The on-call JPO must speak with the arresting officer to insure it is a detainable offense prior to authorizing the detention. JPOs will call contracting facilities to secure a place for detention and then relay the information back to the arresting agency of where to transport the youth.

When a youth is detained on Friday or a Holiday weekend, the JPO must obtain probable cause from the judge.

Detention of youth are according the Family Code statutes. JPOs will review serious cases of non-compliance and continuous violations with the supervisor to determine a course of action.

It is required for staff of HCJPS who make home-visits to carry a cell phone with them when making the home visit.

When conducting field visits to schools, agencies, and court, P.O.s are required to have a cell phone with them. Cell phones must be on silent, vibrate, or off while in court or schools.

Probation Officers and transport officers are required to keep the department informed of their cell and home phone numbers.

All juvenile case file information is confidential and records and release of information will only be according to Family Code statutes. Any other release of records requires the approval of the Judge.

HCJPS retains and maintains records on juvenile offenders as applicable by law. Certain destruction of records is authorized by the Texas Family Code §58.0071.

HCJPS is authorized to destroy records of any case referred to the department upon the age of the offender reaching 31 years of age. This includes felony, misdemeanor, and any CINS case.

This destruction is only authorized for records kept at the Juvenile Probation Department and does not include records kept at any other agency or County department.

Destruction may be done by shredding that ensures that the record is not readable or recoverable.

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Data Collection Standards</b>
STANDARD: 341.600, 341.602, 341.604 & 341.606	# of PAGES 2
<b>Subchapter F</b>	

### ***Standard 341.600***

#### **(a) Training Requirements.**

- (1) The data coordinator must have a thorough understanding of TJJD's reporting requirements.
- (2) The data coordinator must complete training related to data reporting provided by TJJD as required.

#### **(b) Duties.**

- (1) The data coordinator is responsible for ensuring that all data submitted to TJJD by the juvenile probation department is accurate, timely, and consistent with TJJD's reporting requirements.
- (2) The data coordinator must ensure that the TJJD EDI Extract is submitted to TJJD on or before the applicable due date.

#### ***Policy***

The assigned data coordinator for HCJPS will have appropriate and required training from TJJD concerning the reporting requirements of data. The data coordinator will submit timely and accurate information when reporting to TJJD and will ensure that the TJJD EDI monthly extract is submitted to TJJD thru JCMS each month on or before the 10<sup>th</sup> day of the month.

### ***Standard 341.602***

- (a) The TJJD EDI Extract must be sent to TJJD electronically.
- (b) The extract is due to TJJD no later than the tenth calendar day of each month following the reporting period.
- (c) The TJJD EDI Extract data must include all data fields required by the EDI Specifications.
- (d) TJJD staff must discuss any proposed changes to the specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications.

#### ***Policy***

See listed policy above.

### ***Standard 341.604***

- (a) The juvenile probation department must fill in all applicable data fields for each referral in the department's case management system.
- (b) The juvenile probation department must run the Comprehensive Folder Edit or SRSX Edit on a monthly basis.
- (c) Errors detected by the Comprehensive Folder Edit must be corrected prior to the next submission of the EDI Extract.

(d) Errors detected by TJJD must be corrected prior to the date provided by TJJD.

***Policy***

All required fields in the JCMS system will have data entry by the probation officers or the data entry clerk for each referral received to the department. A comprehensive folder edit will be run monthly to determine any errors and the errors will be corrected prior to the next month's submission. Any other errors detected by TJJD will be corrected in the requested time allotted.

***Standard 361.606***

- (a) Each user of the juvenile probation department's case management system must obtain a password to the system. Passwords must not be shared with department employees or other persons.
- (b) The juvenile probation department must limit the number of employees who are authorized to delete information in the department's case management system.
- (c) Access to the department's case management system must be removed concurrent with the termination of a user's employment.
- (d) A juvenile probation department that does not use the Juvenile Case Management System (JCMS) must:
  - (1) establish and follow a written policy for backup and restoration procedures relating to data in its case management system; and
  - (2) maintain an off-site backup storage system.

***Policy***

HCJPS uses the Juvenile Case Management System (JCMS). All probation officers and data entry personnel will be given a password for use in the system. The passwords are not to be shared with any other employee or other persons. HCJPS only allows deletion rights to the Chief JPO and the data entry clerk. As an employee leaves employment with HCJPS for any reason, their privileges to the system will be revoked.

## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Restraints</b>
STANDARD: 341.700, 341.702, 341.704 & 341.705, 341.706, 341.708, 341.710, 341.712	# of PAGES 7
<b>Subchapter G</b>	

### *Applicability*

This subchapter applies only to juveniles who are not residents of a juvenile pre-adjudication secure detention facility, a juvenile post-adjudication secure correctional facility, or a non-secure juvenile correctional facility.

### *Standard 341.702*

(a) The use of restraints is governed by the following criteria.

(1) Personal restraints may be used only by juvenile probation officers and community activities officers who are trained and currently certified in the use of the approved personal restraint technique.

(2) Mechanical restraints may be used only by juvenile probation officers and community activities officers who are trained in the use of all approved mechanical restraint devices.

(3) Except during routine transportation or when a juvenile probation officer takes a juvenile into custody under Texas Family Code §52.01 or §52.015, restraints may be used only in instances of threat of imminent or active:

(A) self-injury;

(B) injury to others; or

(C) serious property damage.

(4) Restraints may be used only as a last resort.

(5) Only the amount of force and type of restraint necessary to control the situation may be used.

(6) Restraints must be implemented in such a way as to protect the health and safety of the juvenile and others.

(7) Restraints must be terminated as soon as the juvenile's behavior no longer indicates an imminent threat of self-injury, injury to others, or serious property damage, except during routine transportation or when a juvenile probation officer takes a juvenile into custody.

### *Policy*

HCJPS juvenile probation officers or community activities officers may use physical or mechanical restraints in the exercise of their official duties. A juvenile must be under the jurisdiction of the juvenile court for a physical or mechanical restraint to be applied.

- Only HCJPS juvenile probation officers and community activities officers are authorized to use physical or mechanical restraints - unless the juvenile is in a secure correctional facility.
- Ancillary and/or support staff are not authorized to apply or assist in the application of physical or mechanical restraints (interns, volunteers, secretaries, etc.).
- Mechanical or physical restraints shall only be used in instances of threat of imminent self injury, imminent injury to others or imminent serious property damage of \$50 or greater.



- This standard applies to any and all physical locations in which the juvenile is restrained such as: probation office, courtroom, community service sites, school settings, juvenile's home, etc.
- All JPOs that perform physical restraints shall be certified in a TJJD and HCJPS approved physical restraint technique prior to using the restraint.
- Beginning January 1, 2017, all JPOs and community activity officers must be recertified in the physical restraint technique according to the required timeline of the standard not later than every 365 days.
- All JPOs shall be trained in the application of a mechanical restraint prior to the use of any mechanical restraint.
- The use of restraints during vehicular transportation does not require that there be imminent danger to self or others. The least restrictive restraint shall be applied to control the situation.
- Restraints - mechanical and physical - shall be used as a last resort - with the exception of transporting a juvenile in custody.
- Only the amount of force necessary shall be used to control a situation. Restraints shall be implemented in such a way as to protect the health and safety of the juvenile and others.
- Except for custody or transport event, the use of restraints shall be terminated as soon as the imminent threat of injury to self, others, or property has subsided.

Violation of this policy and procedure is cause for disciplinary action up to and including termination. Any employee observing a violation of this policy and procedure must report the incident to the Chief JPO.

#### ***Standard 341.704***

Restraints that employ a technique listed in this section 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 opportunities, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile in a prone or supine position with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile in a prone or supine position with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile's mouth or nose or around the juvenile's neck;
- (7) restraints that interfere with 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.

#### ***Policy***

This standard applies to any and all physical and mechanical restraints used by all HCJPS juvenile probation officers and or community activities officers.

- Physical and mechanical restraints shall not be used for punishment, discipline, retaliation, harassment, compliance or intimidation and are prohibited
- Restraints that deprive the juvenile of basic human necessities are prohibited. A JPO or community activity officer shall make the necessary and reasonable adjustments to ensure the restrained juvenile's food, water, restroom and clothing needs are accommodated.

- Any type of physical or mechanical restraint that is intended or designed to inflict pain prohibited. Restraints on juveniles with pre-existing medical conditions shall be conducted with extreme caution so as to avoid unnecessary risk or injury.
- Physical restraint practices that incorporate defensive tactics that are designed and intended to inflict pain are prohibited -- including but not limited to: striking blows, kicks, eye gouging, etc.
- Mechanical restraint devices that are used in a manner to intentionally inflict pain are also prohibited.
- The use of a physical or mechanical restraint that requires a juvenile to be placed in a prone position, sustained or excessive pressure on the juvenile's back or chest cavity is prohibited. This extends to a standing restraint in which the restrained juvenile is pinned against a wall or other vertical structure.
- The use of physical or mechanical restraint that require a juvenile to be face down with substantial pressure on the juvenile's neck or head is prohibited.
- The use of physical or mechanical restraints that obstruct the restrained juvenile's airway or impair the juvenile's breathing are prohibited.
- Restraints shall not restrict the restrained juvenile's ability to communicate and are prohibited. The restrained juvenile's ability to verbally communicate must be maintained at all times during the restraint. Obstructing the view of a restrained juvenile's face is prohibited. It hinders the restraining officer's ability to ensure against prohibitions such as breathing and ability to communicate. Transparent spit guards that do not obstruct the juvenile's face may be used as protective devices during a restraint -- if the device is approved by HCJPS.
- Any restraint technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint is prohibited. Juveniles under restraint shall be monitored for signs of physical distress. Signs of physical distress may include, but not limited to: discoloration of the skin, bleeding, breathing irregularities, clammy skin, etc.
- Percussive shocking devices are prohibited. TJJJ categorizes percussive devices into two distinct types of devices, both of which are prohibited by TJJJ and HCJPS.
- Devices that are designed and used for physically striking a person such as: batons, billy clubs, blackjacks, nightsticks, tactical batons, riot batons & expandable batons, etc.
- Devices that incorporates non-lethal munitions to discharge projectiles such as: bean bags, rubber balls, sponge rounds, etc.; and/or distraction devices such as devices emitting flashes, smoke, loud bangs, concussions, etc. These types of devices may be hand thrown or launched via a specialized gun. All of these are prohibited.
- Electrical shocking devices are prohibited. Common electrical shocking devices would include those that : are held on a juvenile's skin such as stun guns....have darts fired into a juvenile such as tasers...that are attached to juvenile and activated by remote control....

If a HCJPS juvenile probation officer or community activities officer observes a prohibited restraint that appears to be abusive, that JPO must report the incident. The incident shall be reported immediately to the HCJPS Chief JPO. The incident shall then be reported to TJJJ under the prescribe guidelines for reporting Abuse, Neglect and Exploitation.

HCJPS does not tolerate the misuse of mechanical and physical restraints. Any violations of this policy and procedure will be cause for disciplinary action up to and including termination. Any HCJPS employee who observes a violation of any of these policies and procedures must report the incident to the Chief JPO.

### ***Standard 341.706***

(a) Restraints must be fully documented and the documentation must be maintained, except as noted in subsection (b) of this section. Written documentation regarding the use of restraints must include, at a minimum:

- (1) name of the juvenile;
  - (2) name and title of each staff member who administered the restraint;
  - (3) narrative description of the restraint event from each staff member who participated in the restraint;
  - (4) date of the restraint;
  - (5) duration of each type of restraint (e.g., personal or mechanical), including notation of the time each type of restraint began and ended;
  - (6) location of the restraint;
  - (7) events and behavior that prompted the initial restraint and any continued restraint;
  - (8) de-escalation efforts and restraint alternatives attempted;
  - (9) type of restraint(s) applied, including, as applicable:
    - (A) the specific type of personal restraint hold applied; and
    - (B) the type of mechanical restraint device(s) applied; and
  - (10) any injury that occurred during the restraint.
- (b) The following events are not required to be documented as a restraint, except as noted in subsection (c) of this section:
- (1) using mechanical restraints during routine transportation; and
  - (2) a juvenile probation officer taking a juvenile into custody under Texas Family Code §52.01 or §52.015.
- (c) The exception in subsection (b) of this section does not apply when:
- (1) the juvenile's cooperation is compelled through the use of a personal restraint; or
  - (2) the juvenile receives an injury in relation to the restraint event or restraint devices.

### ***Policy***

The documentation of the use of mechanical or physical restraints by JPOs or community activities officers shall be reported on the HCJPS restraint incident report form. The following elements must be included in any documentation concerning a restraint;

- (1) name of the juvenile;
- (2) name and title of each staff member who administered the restraint;
- (3) narrative description of the restraint event from each staff member who participated in the restraint;
- (4) date of the restraint;
- (5) duration of each type of restraint (e.g., personal or mechanical), including notation of the time each type of restraint began and ended;
- (6) location of the restraint;
- (7) events and behavior that prompted the initial restraint and any continued restraint;
- (8) de-escalation efforts and restraint alternatives attempted;
- (9) type of restraint(s) applied, including, as applicable:
  - (A) the specific type of personal restraint hold applied; and
  - (B) the type of mechanical restraint device(s) applied; and
- (10) any injury that occurred during the restraint.

A physical restraint report is not required when a JPO takes a juvenile into custody and during routine transportation of a juvenile. If the juvenile's cooperation is compelled using the personal restraint technique or if the juvenile receives an injury during the restraint event (even if it is routine transportation) then documentation concerning the incident must occur.

Any violations of this policy must be reported to the Chief JPO.

### ***Standard 341.708***

(a) A juvenile probation department may not use a personal restraint technique before it has been approved for use by TJJD.

(b) Staff members who are authorized to use personal restraints must be retrained in the approved personal restraint technique in accordance with the requirements of the technique or at least once every 365 calendar days, whichever time frame is shorter.

### ***Policy***

Beginning 1-1-17, all JPOs and community activities officers will have annual training in Handle with Care which has already been approved by TJJD. Re-training will occur at least once every 365 days.

### ***Standard 341.710***

#### **(1) Requirements.**

(A) Only approved mechanical restraint devices may be used by the juvenile probation department.

(B) Mechanical restraints must be used only in a manner consistent with their intended use.

(C) Mechanical restraint devices must be inspected at least once each year, no later than the last day of the calendar month of the previous year's inspection. The dates of the inspections must be documented.

(D) Faulty or malfunctioning devices must be restricted from use until they are repaired. Any maintenance performed must adhere to the manufacturer's guidelines.

#### **(2) Prohibitions.**

(A) Mechanical restraint devices may not be altered from the manufacturer's design.

(B) A juvenile may not be placed in a prone position while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices.

(C) A mechanical restraint may not be used to secure a juvenile in a prone, supine, or lateral position with the juvenile's arms and hands behind his/her back and secured to his/her legs.

(D) Mechanical restraint devices may not be secured so tightly as to interfere with circulation or so loosely as to cause chafing of the skin.

(E) Mechanical restraint devices may not be used to secure a juvenile to a stationary object.

(F) A juvenile in mechanical restraints may not participate in any physical activity.

(G) Plastic cuffs may be used only in emergency situations.

### ***Policy***

HCJPS will only use mechanical restraint devices approved by TJJD. Any other devices are not approved by TJJD and are strictly prohibited. These devices include, ankle cuffs, handcuffs, plastic cuffs, soft restraints and waist belts. HCJPS currently only uses ankle cuffs, handcuffs and waist belts. These mechanical restraints shall only be used in a manner consistent with their intended use.

Mechanical restraints may not be altered in any way. If a restraint needs repair, it shall be removed from access and labeled "needs repair or replacement".

All JPOs and community activity officers trained in the use of mechanical restraints carry responsibility for recognizing and removing a restraint that is not working properly and/or appears to be in need of repair or replacement. It shall be labeled "needs repair or replacement" as soon as it is removed from access.

Anyone observing the alteration or misuse of any of HCJPS' mechanical restraints shall immediately report the matter to the Chief JPO.

INSPECTION of all HCJPS' mechanical restraints shall occur on an annual basis no later than the last day of the calendar month of the previous year's inspection.

The inspection shall include a physical inventory of each restraint device to determine each device is in working order.

The inspection shall include a physical inventory of each restraint device to determine each device has not been altered from the manufacturer's original design.

Written documentation of the inspection shall be done and kept for auditing purposes.

Mechanical restraints that are determined to be "broken and unable to be repaired" shall be labeled as so and thrown away immediately.

The Chief JPO must be kept informed of the status of this equipment and any needs regarding repairs and/or replacements.

HCJPS employees must adhere to the following prohibitions when using mechanical restraints:

- (A) Mechanical restraint devices may not be altered from the manufacturer's design.
- (B) A juvenile may not be placed in a prone position while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices.
- (C) A mechanical restraint may not be used to secure a juvenile in a prone, supine, or lateral position with the juvenile's arms and hands behind his/her back and secured to his/her legs.
- (D) Mechanical restraint devices may not be secured so tightly as to interfere with circulation or so loosely as to cause chafing of the skin.
- (E) Mechanical restraint devices may not be used to secure a juvenile to a stationary object.
- (F) A juvenile in mechanical restraints may not participate in any physical activity.
- (G) Plastic cuffs may be used only in emergency situations.

Any violation of these policies should be reported to the Chief JPO immediately.

***Standard 341.712***

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

***Policy***

Any juvenile being transported by a HCJPS JPO or community activity officer will not be affixed to any part of the vehicle they being transported in. Additionally, juveniles will not be secured to any other juvenile.

Any violation of this policy should be reported to the Chief immediately.

Any violations involving these policies and procedures is cause for disciplinary action up and to including termination.



## HUNT COUNTY JUVENILE PROBATION SERVICES (HCJPS)

<b>CHAPTER: PROBATION</b>	<b>Subject: Carry of Weapons N/A</b>
STANDARD: 341.800 to 341.91	# of PAGES 1
<b>Subchapter H</b>	

This set of standards is not applicable to HCJPS probation officers and employees as they are not authorized to carry weapons in the course of their duties and responsibilities with the Hunt County Juvenile Probation Department.

## **Changes for Chapter 344**

### **§344.200- General Qualifications for Positions Requiring Certification**

Added to (a),(b)and (c)

(4) have no criminal history as described in §344.410(a) of this chapter unless TJJJ has reviewed it and determined the person is not ineligible for certification due to the criminal history;

### **§344.300 Criminal History Checks**

Reworded (a) and (b)

(a) Department or facility policy must prohibit direct, unsupervised access to juveniles in a juvenile justice program or facility by the following: (1) any person with a disqualifying criminal history as described in §344.400 of this chapter; and (2) any person with a criminal history described in §344.410(a) of this chapter, unless the person's criminal history has been reviewed by TJJJ or the juvenile board or designee, as appropriate, and the review results in a determination that the person is not ineligible for certification, employment, or service in the position.

(b) A criminal history check as described in this section must be conducted for: (1) an individual who is in a position requiring certification; (2) an individual who is in a position eligible for optional certification who is seeking certification; and (3) an individual who may have direct, unsupervised access to juveniles in a juvenile justice facility or program and who is: (A) an employee in a position neither requiring certification nor eligible for optional certification; (B) an employee in a position eligible for optional certification who is not seeking certification; (C) a volunteer; (D) an intern; or (E) an individual who provides goods or services under contract on the premises of a juvenile justice facility or program, except as provided in subsection (c) of this section

### **§344.320 Criminal History Check for Positions and Departmental Transfers and Optional Certification**

Added (3)

(3) the department or facility is seeking certification for a person in a position that allows for optional certification as provided in §344.802 of this chapter



### **§344.330 Criminal History Checks for Employees of Private Juvenile Justice Facilities**

Added reference to two additional Sections of the Family Code and added wording to (5);

The following provisions apply when a private juvenile justice facility is operating under contract with a governmental entity as required by Sections 51.12, 51.125, and 51.126, Texas Family Code.

(5) The department must immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for any offense punishable by confinement or imprisonment for an individual who is employed by or provides services at the private facility.

(These changes in this section resulted in no changes to the Policy as HCJPS does not operate any private facility.)

### **§344.400 Disqualifying Criminal History**

Reworded and Changed most of this section after (a) 1.

(2) deferred adjudication or conviction for a sexually violent offense as defined in Article 62.001, Texas Code of Criminal Procedure, or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition.

(b) Other Individuals Subject to Criminal Background Checks.

An individual with the criminal history described in subsection (a) of this section is not eligible to serve in a position listed in §344.300(b)(3) of this chapter.

(c) General Provisions.

(1) Subsection (a)(1) of this section does not apply to individuals certified before February 1, 2018, unless the certification expires.

(2) Subsection (a)(1) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before February 1, 2018, with no break in service after that date.

(3) Subsection (a)(2) of this section does not apply to individuals certified before the most recent effective date of this section unless the certification expires.

(4) Subsection (a)(2) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before the most recent effective date of this section with no break in service after that date.

## **§344.410 Other Criminal History**

This section was re-titled and added.

### **(a) Applicants for Certification.**

(1) An individual with the following criminal history is not eligible for certification, employment, or otherwise providing service in a position requiring certification without prior review and approval by TJJD as provided in §344.420 of this chapter:

(A) deferred adjudication or conviction for a felony other than those referenced in §344.400(a) of this chapter or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than 10 years prior to the date the review is requested; or

(B) deferred adjudication or conviction for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than five years prior to the date the review is requested.

(2) Regardless of the date of conviction or deferred adjudication, a review is required if an individual was incarcerated or placed on community supervision for an offense described by paragraph (1) of this subsection and less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole.

(3) Regardless of the date of conviction or deferred adjudication, a review is required if an individual has a current requirement to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure, for an offense other than an offense described by §344.400(a) of this chapter.

### **(b) Other Individuals Subject to Criminal Background Check.**

(1) An individual with the criminal history described in subsection (a) of this section is not eligible to begin serving or continue serving in a position listed in §344.300(b)(3) of this chapter unless the juvenile board or its documented designee has granted an exemption after considering the factors in §344.420 of this chapter.

(2) Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.

(3) If the department or facility receives notification of a new conviction or deferred adjudication, the individual may not continue serving in the position unless the juvenile board or its documented designee grants a new exemption in accordance with this subsection. An exemption may not be granted for a conviction or deferred adjudication described in §344.400(a) of this chapter.

(4) An exemption granted under this subsection is valid for the individual only at the juvenile probation department or facility operated by or under contract with the juvenile board granting the exemption.

(5) The exemption is not valid if the person moves to a position requiring certification or if the department or facility seeks certification for the person in a position that allows for optional certification as provided in §344.802 of this chapter; in such cases, prior review and approval from TJJD is required as provided by subsection (a) of this section

## **§344.420 Pre-certification Review**

This section was added.

(a) A department or facility must request review from TJJJ and receive confirmation from TJJJ that approval has been granted before:

- (1) hiring, contracting with, or otherwise placing a person with a criminal history described by §344.410(a) of this chapter into a position requiring certification; or
- (2) seeking optional certification as provided in §344.802 of this chapter for a person with a criminal history described by §344.410(a) of this chapter.

(b) The purpose of the review by TJJJ is to determine whether TJJJ will deny a certification for the individual due to ineligibility for certification based on the criminal history. TJJJ will conduct the review in accordance with this section.

(c) TJJJ will first determine if the criminal history offense(s) directly relate to the duties and responsibilities of the position for which certification is required or sought. In making this determination, TJJJ will consider:

- (1) the nature and seriousness of the crime(s);
- (2) the relationship of the crime(s) to the purposes for requiring a certification to engage in the occupation;
- (3) the extent to which a certification might offer an opportunity to engage in further criminal activity of the same type as that in which the person was previously involved;
- (4) the relationship of the crime(s) to the ability or capacity required to perform the duties and discharge the responsibilities of the position; and
- (5) any correlation between the elements of the crime(s) and the duties and responsibilities of the position.

(d) If TJJJ determines the criminal history offense(s) do not directly relate to the duties and responsibilities of the position, TJJJ will not deny the certification based on the criminal history.

(e) If TJJJ determines the criminal history offense(s) directly relate to the duties and responsibilities of the position, TJJJ will consider the following in determining whether to deny certification: (1) the extent and nature of past criminal activity; (2) the age of the person when each crime was committed; (3) the amount of time that has elapsed since the person's last criminal activity; (4) the conduct and work activity of the person before and after the criminal activity; (5) evidence of the person's rehabilitation and rehabilitative effort while incarcerated or after release; (6) evidence of the person's compliance with any conditions of probation, community supervision, parole, or mandatory supervision; and (7) any other evidence of the person's fitness to perform the duties of the position requiring certification, including any letters of recommendation.

(f) The individual to be certified is responsible for providing TJJJ with the information required by TJJJ to make its decision. Failure to timely provide TJJJ with requested information may result in a denial of certification.

(g) In making its determinations under this section, TJJJ will not consider an arrest that did not result in a conviction or placement on deferred adjudication.

(h) If TJJJ determines that the criminal history will not result in a denial of certification, TJJJ will inform the individual and the department or facility, which may then proceed, as appropriate, with hiring, contracting with, or otherwise placing the individual into a position requiring certification or with seeking certification for the individual.

(i) If TJJJ determines that the criminal history should result in a certification being denied, TJJJ will provide the individual with written notice of the reason for the intended denial and will give the individual at least 30 calendar days to submit any relevant information for consideration. The written notice will comport with the requirements in Section 53.0231, Texas Occupations Code. TJJJ will provide a copy of the written notice to the administrative officer of the hiring entity.

(j) Upon receipt of additional information as provided in subsection (i) of this section, TJJJ will conduct an additional review in accordance with this section and will provide its final decision to the individual and to the department or facility that requested the initial review.

**(In this section, I have not added this review process for consideration. I proposed that we leave the higher standard for the 10 years for a felony offense and 5 years for an A or B misdemeanor deferred adjudication or conviction. I have stated we will not offer employment or exemption to any applicant with these criminal histories listed. These exceptions came about during COVID with major understaffing at the facilities and not finding anyone to hire. I respectfully see no reason we should lower our standards for hiring under the circumstances.)**

### **§344.430 Arrest or Conviction of Currently Certified or Employed Individuals**

This section was added.

(a) This section applies to individuals employed by, under contract with, or otherwise providing services at a department or facility who are certified or for whom the department or facility is seeking certification, whether they are serving in a position requiring certification or in a position for which certification is optional under §344.802 of this chapter.

(b) If a department or facility receives notification that an individual to whom this section applies has been arrested for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must notify TJJJ's certification office in writing no later than 10 calendar days after receiving notice of the arrest. The department or facility must provide information regarding the circumstances of the arrest and respond to any questions from TJJJ regarding the arrest.

(c) If a department or facility receives notification that an individual to whom this section applies has been convicted of or placed on deferred adjudication for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must: (1) remove the person from the position requiring certification and from any position allowing the person unsupervised access to juveniles; and (2) notify TJJJ's certification office in writing no later than 10 calendar days after receiving such notice. The department or facility must provide information regarding the conviction or deferred adjudication and respond to any questions from TJJJ regarding the disposition.

(d) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.400(a) of this chapter, TJJJ will: (1) deny certification if the person is not yet certified; or (2) revoke certification if the person is certified.

(e) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.410(a) of this chapter, TJJJ will conduct the review described in §344.420 to determine if certification should be denied if the person is not yet certified or if certification should be revoked or suspended if the person is certified.

(f) Notwithstanding subsection (d) of this section, TJJJ will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation of community supervision, revocation of probation, or revocation of mandatory supervision.

### **§344.670 Training Methods and Limitations**

Added (c ) under Limitations on Topics and under Limitations on Training Methods changed most of this section;

(C) For juvenile supervision officers and community activities officers, credit for a training topic may be granted one additional time if: (i) the topic is one of the topics required during each certification period as listed in §344.640 of this chapter; and (ii) training hours for the topic have been carried over from the prior certification period as allowed by §344.640 of this chapter.

(b) Limitations on Training Methods. The hour limitations in this section apply to training received within a certification period. (1) There is no limitation on the number of hours that may be obtained from live training. Live training includes in-person training and online training in which the presenter and the person claiming credit appear at the same time and have the ability to interact, either verbally or in writing.

(2) There is no limitation on the number of hours that may be obtained from watching pre-recorded training if the training is provided by, sponsored by, or co-sponsored by TJJJ. Pre-recorded training includes recordings of live interactive trainings as well as recordings of trainings that were not interactive. (

3) For juvenile probation officers and juvenile supervision officers, a maximum of 20 hours of prerecorded training other than pre-recorded training described in paragraph (2) of this subsection may be eligible for credit.

(4) For community activities officers, a maximum of 10 hours of pre-recorded training other than prerecorded training described in paragraph (2) of this subsection may be eligible for credit.

(5) A maximum of 40 hours may be eligible for credit for successful completion of one or more college courses in topics relevant to the officer's job duties. A course must be provided by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board. TJJJ determines on a case-by-case basis whether credit is granted for the course and the number of hours approved for credit.

Hunt County Juvenile Probation Services (HCJPS)

**CHAPTER 344—Standards with Policy and Procedure**  
**EMPLOYMENT CERTIFICATION TRAINING**

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

- (1) **Certification Exam**--An exam required by TJJD that is given to individuals hired as a juvenile probation officer or juvenile supervision officer that tests the individual's competency in certain topics.
- (2) **Certification Period**--The 24-month period that starts on the first day of the month following the officer's birth month and ends on the last day of the officer's birth month. The first certification period also includes the time between the date of certification and the officer's next birth month. For example: An officer's birth date is June 5. The officer receives initial certification on August 10, 2018. The first certification period starts on August 10, 2018, and ends on June 30, 2021. The second certification period starts on July 1, 2021, and ends on June 30, 2023.
- (3) **Certified Officer (Officer)**--A juvenile probation officer, juvenile supervision officer, or community activities officer who is currently certified by TJJD.
- (4) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for the oversight of the day-to-day operations of a single juvenile probation department for a county or a multi-county judicial district.
- (5) **Community Activities Officer**--Regardless of title, an individual other than a juvenile probation officer or juvenile supervision officer whose position may require supervising juveniles in a non-secure setting within a juvenile justice program.
- (6) **Continuing Education**--Courses, programs, or organized learning experiences required to maintain certification and to enhance personal or professional goals.
- (7) **Conviction**--Any conviction or deferred adjudication for criminal conduct. A conviction does not include a juvenile adjudication.
- (8) **Direct, Unsupervised Access**--The ability to physically interact with juveniles in a juvenile justice program or facility without the accompanying physical presence of or constant visual monitoring by a certified officer or other authorized employee of the program or facility. For purposes of this chapter, direct, unsupervised access does not include interactions that are incidental and momentary.
- (9) **Facility Administrator**--An individual designated by the chief administrative officer or governing board of a juvenile justice facility as the on-site program director or superintendent of a juvenile justice facility.
- (10) **Grace Period**--The one-month period following the end of an officer's certification period.
- (11) **Juvenile Justice Facility ("facility")**--A facility that serves juveniles under juvenile court jurisdiction and that is operated solely or partly by or under the authority of the governing board or juvenile board or by a private vendor under a contract with the governing board, juvenile board, or governmental unit. The term includes:
  - (A) a public or private juvenile pre-adjudication secure detention facility, including a short-term

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detention facility (i.e., holdover), required to be certified in accordance with Texas Family Code §51.12;

(B) a public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with Texas Family Code §51.125; and

(C) a public or private non-secure correctional facility required to be certified in accordance with Texas Family Code §51.126.

(12) **Juvenile Justice Program ("program")**--A program or department that:

(A) serves juveniles under juvenile court or juvenile board jurisdiction; and

(B) is operated solely or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:

(i) juvenile justice alternative education programs;

(ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; and

(iii) juvenile probation departments.

(13) **Juvenile Probation Department ("department")**--A governmental unit established under the authority of a juvenile board to facilitate the execution of the responsibilities of a juvenile probation department enumerated in Title 3 of the Texas Family Code and Chapter 221 of the Texas Human Resources Code.

(14) **Juvenile Probation Officer**--An individual whose primary responsibility and essential job function is to provide juvenile probation services and supervision duties authorized under statutory and administrative law that can be performed only by a certified juvenile probation officer.

(15) **Juvenile Supervision Officer**--An individual whose primary responsibility and essential job function is the supervision of juveniles in a:

(A) juvenile justice facility; or

(B) juvenile justice alternative education program operated by a department that also operates a juvenile justice facility.

(16) **Professional**--The following persons are considered professionals for purposes of this chapter:

(A) teachers certified as educators by the State Board for Educator Certification, including teachers certified by the State Board for Educator Certification with provisional or emergency certifications;

(B) educational aides or paraprofessionals certified by the State Board for Educator Certification;

(C) health-care professionals licensed or certified under the following chapters of the Texas Occupations Code:

(i) Chapter 301 (nurses);

(ii) Chapter 155 (physicians);

(iii) Chapter 204 (physician assistants);

(iv) Chapter 256, Subchapter A (dentists); or

(v) Chapter 401 (speech-language pathologists and audiologists);

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- (D) mental health providers, as defined in Chapter 343 of this title;
- (E) qualified mental health professionals, as defined in Chapter 343 of this title; and
- (F) commissioned law enforcement personnel.

**(a) Conflicting Standards.**

If a general provision contained in this chapter conflicts with a specific provision contained in another

chapter promulgated by TJJD, the specific language controls.

**(b) Use of the Words “Including” and “Includes.”**

When used in this chapter, the words “including” and “includes” are to be understood as introducing a non-exhaustive list unless the context clearly indicates otherwise.

**(c) Applicability.**

- (1) This chapter applies to all juvenile justice programs and facilities in this state unless expressly stated otherwise.
- (2) All provisions of this chapter apply regardless of the date an individual is hired or begins service provision unless expressly stated otherwise.
- (3) All employment and education requirements in this chapter must have completed prior to the date an individual begins employment in the position to which the requirements apply.

***The words and terms in Chapter 344 of the Hunt County Juvenile Probation policy manual shall adhere to the preceding definitions unless context clearly indicates otherwise.***

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Standard 344.200	PAGES: 7
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*The Standard*

**344.200---General Qualifications for Employment**

**(a) Juvenile Probation Officer.**

To be eligible for certification as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to criminal history;
- (5) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- (6) possess the work experience required in §344.210 of this title or graduate study required in §344.204 of this title;
- (7) never have had any type of certification revoked by TJJD;
- (8) complete the training required by this chapter; and
- (9) pass the certification exam as required by §344.700 of this title.

**(b) Juvenile Supervision Officer.**

To be eligible for certification as a juvenile supervision officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to criminal history;
- (5) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- (6) never have had any type of certification revoked by TJJD;
- (7) complete the training required by this chapter; and
- (8) pass the certification exam as required by §344.700 of this title.

**(c) Community Activities Officer.**

To be eligible for certification as a community activities officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;

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- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to criminal history;
- (5) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- (6) never have had any type of certification revoked by TJJD; and
- (7) complete the training required by this chapter.

**344.202 General Qualifications for Facility Administrators**

To serve as a facility administrator, an individual must:

- (1) obtain and maintain an active certification as a juvenile supervision officer in accordance with requirements of this chapter;
- (2) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and
- (3) possess the work experience required in §344.210 of this title or graduate study required in §344.204(a) of this title.

**344.204 Education Requirements**

**(a) Juvenile Probation Officer.**

- (1) To be eligible for certification as a juvenile probation officer, an individual must meet the following educational requirements:
  - (A) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and
  - (B) have either:
    - (i) one year of graduate study at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; or
    - (ii) qualifying work experience as specified in §344.210 of this title.
- (2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.

**(b) Juvenile Supervision Officer and Community Activities Officer.**

- (1) To be eligible for certification as a juvenile supervision officer or community activities officer, an individual must meet one of the following educational requirements:
  - (A) a diploma from a high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense. TJJD considers

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the following entities as generally recognized accrediting organizations:

- (i) the Texas Education Agency or the equivalent agency in another state;
  - (ii) an entity approved by the Texas Private School Accreditation Commission; and
  - (iii) regional accreditation organizations such as:
    - (I) Middle States Association of Colleges and Schools;
    - (II) New England Association of Schools and Colleges;
    - (III) North Central Association of Colleges and Schools;
    - (IV) Northwest Accreditation Commission;
    - (V) Southern Association of Colleges and Schools; and
    - (VI) Western Association of Schools and Colleges;
  - (B) a high school equivalency certificate (e.g., GED) issued by the Texas Education Agency or equivalent agency in another state;
  - (C) a diploma or certificate of completion issued in a homeschool setting;
  - (D) a United States military record that indicates the education level received is equivalent to a United States high school diploma or high school equivalency certificate;
  - (E) a foreign high school diploma that meets the validation requirements established in §344.206 of this title; or
  - (F) unconditional acceptance into a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.
- (2) A department or facility may attempt to establish that an entity not listed in paragraph (1)(A) of this subsection is a generally recognized accrediting organization by submitting supporting documentation to the TJJD certification office. Based on the documentation, TJJD will determine whether the entity is a generally recognized accrediting organization.

**344.206 Validation Requirements for Foreign Diplomas**

- (a) A high school diploma issued by a foreign high school that does not meet the accreditation requirement in §344.204(b)(1) of this title must be accompanied by an evaluation of the diploma verifying that the high school education received is the substantial equivalent of a high school education received in the United States.
- (b) The evaluation must be performed by an evaluation service that is a member of the National Association of Credential Evaluation Services.
- (c) The department or facility may not accept the results of the evaluation unless the results are sent directly to the department or facility.
- (d) The department or facility may require the individual who is seeking employment to initiate the evaluation and pay any required fees.

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**344.208 Persons Not Subject to Minimum Educational Requirements**

Individuals employed as juvenile probation officers prior to September 1, 1981, and who have maintained continuous employment as a juvenile probation officer since that date are not subject to the minimum educational requirements set forth in Texas Human Resources Code §222.001 and in this chapter. A juvenile probation officer who experiences an interruption or lapse of employment as a juvenile probation officer must meet all current applicable employment, certification, and training requirements.

**344.210 Work Experience**

(a) To be eligible for certification as a juvenile probation officer, an individual who does not meet the graduate study requirement in §344.204 of this title must have one year of experience in full-time paid and/or fulltime unpaid case work, counseling, community, or group work:

- (1) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and
- (2) that provides the kind of experience necessary to meet this requirement, as determined by TJJD.

(b) To meet the requirement for one year of full-time experience as required by this section, an individual must have worked at least 1,500 hours in one or more positions described by subsection (a) of this section in twelve months, which may or may not be consecutive months. Prior to hiring the individual, the department or facility must conduct and document a reference check to verify the dates of employment or volunteer service, the position held, and the total number of hours worked.

**344.212 Verification of Education Requirements**

A department or facility must require an applicant for a position requiring certification to provide the department or facility with official documentation that verifies the applicant meets the educational requirements for certification.

**344.220 Exemptions from Required Work Experience or Graduate Study**

(a) A department or facility may request an exemption from the requirement for one year of graduate study in §344.204 of this title or one year of full-time work experience in §344.210 of this title if the department or facility uses TJJD’s certification system to:

- (1) submit the exemption request; and

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- (2) document that diligent efforts were made to employ an individual who meets the graduate study or work experience requirement.
- (b) Posting the position in a minimum of two job posting sources for a minimum of 20 calendar days is considered to meet the diligent-effort requirement in subsection (a)(2) of this section.
- (c) The department or facility may not hire the individual as a juvenile probation officer without written verification that TJJD has approved the exemption request.
- (d) The exemption process described in this standard does not apply to appointment as a facility administrator or a chief juvenile probation officer.

**344.230 Persons Who May Not Act as a Chief Administrative Officer, Facility Administrator, Juvenile Probation Officer, Juvenile Supervision Officer, or Community Activities Officer**

Pursuant to Section 222.004, Texas Human Resources Code, a peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a chief administrative officer, facility administrator, juvenile probation officer, juvenile supervision officer, or community activities officer or be made responsible for supervising a juvenile on probation.

***The Policy***

It is the Policy of Hunt County Juvenile Probation Services (HCJPS) that any juvenile probation officer, supervisor or chief administrative officer shall meet the following qualifications for employment.

- 1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to criminal history;
- (5) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- (6) possess the work experience required in §344.210 of this title or graduate study required in §344.204 of this title;
- (7) never have had any type of certification revoked by TJJD;



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- (8) complete the training required by this chapter; and
- (9) pass the certification exam as required by §344.700 of this title.

HCJPS no longer has a facility and will not be hiring Juvenile Supervision Officers but will however be maintaining community activities officers. Any person hired by HCJPS to be a community activities officer must;

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to criminal history;
- (5) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- (6) never have had any type of certification revoked by TJJD; and
- (7) complete the training required by this chapter.

To maintain employment with HCJPS as a probation officer or community activities officer the employee must become certified by TJJD. To be eligible for certification the officers must meet certain educational requirements as follows.

**Probation Officer:**

- (A) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and
- (B) have either:
  - (i) one year of graduate study at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; or
  - (ii) qualifying work experience as specified in §344.210 of this title.
- (2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.

**Community Activities Officer must meet one of the following:**

A diploma from a high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense.

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HCJPS may receive a foreign diploma but before an individual is offered the position the diploma will undergo all validation requirements described in §344.206 of this chapter.

HCJPS does not have any employee that was hired before September 1, 1981 and so all employees of HCJPS will meet the current employment, certification and training requirements.

If an applicant applies for a juvenile probation officer position with HCJPS and does not have the post graduate hours required then one year of work related experience may be considered.

The applicant must have one year of experience in full-time paid and/or fulltime unpaid case work, counseling, community, or group work:

- (1) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and
  - (2) that provides the kind of experience necessary to meet this requirement, as determined by TJJJ.
- (b) To meet the requirement for one year of full-time experience as required by this section, an individual must have worked at least 1,500 hours in one or more positions described by subsection (a) of this section in twelve months, which may or may not be consecutive months. Prior to hiring the individual, the department or facility must conduct and document a reference check to verify the dates of employment or volunteer service, the position held, and the total number of hours worked.

HCJPS may request an exemption for an employee without one year's work experience but the following must occur as part of that process;

- (1) submit the exemption request; and
  - (2) document that diligent efforts were made to employ an individual who meets the graduate study or work experience requirement.
- (b) Posting the position in a minimum of two job posting sources for a minimum of 20 calendar days is considered to meet the diligent-effort requirement in subsection (a)(2) of this section.
- (c) The department or facility may not hire the individual as a juvenile probation officer without written verification that TJJJ has approved the exemption request.
- (d) The exemption process described in this standard does not apply to appointment as a facility administrator or a chief juvenile probation officer.

HCJPS will adhere to §222.004, Texas Human Resources Code and will not consider for employment a peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official. This applies to positions for Chief administrative officer, juvenile probation officer or community activities officers.

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*The Standard*

**344.300 Criminal History Checks**

(a) Department or facility policy must prohibit direct, unsupervised access to juveniles in a juvenile justice program or facility by the following;

- (1) any person with a disqualifying criminal history as described in §344.400 of this chapter; and
- (2) any person with a criminal history described in §344.410(a) of this chapter, unless the person's criminal history has been reviewed by TJJD or the juvenile board or designee, as appropriate, and the review results in a determination that the person is not ineligible for certification, employment, or service in the position.

(b) A criminal history check as described in this section must be conducted for:

- (1) an individual in a position requiring certification;
- (2) an individual who is in a position eligible for optional certification who is seeking certification; and
- (3) an individual who may have direct unsupervised access to juveniles in a juvenile justice facility or program and who is:
  - (A) an employee in a position neither requiring certification nor eligible for optional certification;
  - (B) an employee in a position eligible for optional certification who is not seeking certification;
  - (C) a volunteer;
  - (D) an intern; or
  - (E) an individual who provides goods or services under contract, except as provided in subsection (c) of this section.

(c) A criminal history check as specified in this section is not required for employees of a public school district who:

- (1) provide services in a juvenile justice facility or program; and
- (2) have completed all criminal history checks required by the Texas Education Agency.

(d) Before any individual listed in subsection (b) of this section begins employment or service provision:

- (1) the department or facility must ensure the individual has electronically submitted fingerprints using Fingerprint Applicant Services of Texas (FAST) and verify that the department is able to subscribe to the individual's Fingerprint-Based Applicant Clearinghouse of Texas (FACT) record;
- (2) the department must subscribe to that individual's record in FACT; and
- (3) the department must ensure the criminal history is reviewed as specified in this chapter and must ensure the reviewing entity has determined the person is not ineligible for certification, employment, or providing services based on the person's criminal history, in accordance with this chapter.

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(e) The department must maintain a FACT subscription for each individual in a position requiring a criminal history check for as long as the individual remains in such a position. This requirement applies regardless of the date employment or service provision began.

(f) The requirements of this section do not apply to the juvenile's attorney, family members, managing conservator, guardians, individuals listed as a juvenile's approved visitors, or any other individual not listed in subsection (b) of this section.

**344.302 Military History Checks**

(a) If an individual who is subject to a criminal history check has prior military experience, the department or facility must review the applicant's most recent separation or discharge documents.

(b) In the event separation or discharge documents reflect character of service that is anything other than "honorable discharge" or "honorably discharged," the department or facility must:

- (1) attempt to obtain authorization from the applicant for the release of information; and
- (2) request additional information from the appropriate governmental entity to determine whether the reason for discharge was the result of disqualifying criminal conduct.

(c) Before an individual with prior military history begins employment or service provision, the department or facility must use the information described in subsections (a) and (b) of this section to determine if the individual has a disqualifying criminal history as specified in §344.400 of this title.

(d) The department or facility must review the most recent separation or discharge documents as described in subsections (a) and (b) of this section when a currently employed certified officer returns from a period of active duty or is discharged from military service.

**344.312 Criminal History Checks for Employees of Licensed Facilities or Programs**

(a) Employees of facilities or programs that are licensed by the Texas Department of Family and Protective Services, the Texas Health and Human Services Commission, their successor agencies, or the equivalent agencies in other states are exempt from the requirements of §344.300 and §344.302 of this title.

However, the chief administrative officer or designee must obtain documentation confirming that the license of the facility or program is in good standing with the licensing entity.

(b) For purposes of this section, the term license includes a permit, certificate, approval, registration, or other form of permission required by law.

**344.320 Criminal History Checks for Position and Departmental Transfers**

<b>344.870</b>	<b>Request for Extension of Renewal Deadline</b>	
<b>344.874</b>	<b>Separation From Employment and Transfer From a Certified to a Non-Certified Position</b>	
<b>344.876</b>	<b>Duty to Keep Certified Officers Addresses Current</b>	
<b>344.878</b>	<b>Duty to Notify TJJJ of Addresses Changes</b>	
<b>344..880</b>	<b>Reactivation, Restoration, or Transfer of Certification Records</b>	
<b>344.884</b>	<b>Voluntary Relinquishment of Certification</b>	

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(a) The employing department or facility must complete a criminal history check in accordance with §344.300 and §344.302 of this title when:

- (1) an individual who was not previously certified accepts a position requiring certification;
- (2) a certified officer employed by a department or facility accepts simultaneous or subsequent employment at a department or facility operated by or under contract with a different juvenile board; or
- (3) the department or facility is seeking certification for a person in a position that allows for optional certification as provided in §344.803 of this chapter.

(b) For individuals with a record in the Fingerprint-Based Applicant Clearinghouse of Texas (FACT), the searches may be conducted using the existing fingerprints.

**344.330 Criminal History Checks for Employees of Private Juvenile Justice Facilities**

The following provisions apply when a private juvenile justice facility is operating under contract with a governmental entity as required by sections 51.12, 51.125, and 51.126, Texas Family Code.

(1) The juvenile probation department serving the county where the private facility is located is responsible for performing the checks and subscribing to the Fingerprint-Based Applicant Clearinghouse of Texas (FACT) as required under §344.300 of this title for the private facility.

(2) The department and the private facility must have a written agreement that:

- (A) authorizes the private facility to have access to information resulting from the criminal history checks;
- (B) limits the private facility's use of the information to the purpose for which it is given;
- (C) requires the private facility to ensure the confidentiality of the information; and
- (D) provides for sanctions if the private facility violates a requirement in subparagraphs (B) or (C) of this paragraph.

(3) The private facility must provide the following information to the department in writing:

- (A) identifying information necessary for the department to conduct the criminal history checks as required by this chapter; and
- (B) notification within 10 calendar days after an individual subject to criminal history checks separates from employment, ceases to provide services, or transfers out of a position that requires criminal history checks.

(4) The chief administrative officer or designee of the juvenile probation department serving the county where the private facility is located must notify the private facility in writing of the results of each initial criminal history check and each check required for renewal of certification.

(5) The department must immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for any offense punishable by confinement or imprisonment for an individual who is employed by or provides services at the private facility.

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**344.350 Background Checks**

(a) Before making an offer of employment for a position eligible for certification under this chapter, a department or facility must verify that the applicant:

- (1) has not been designated as ineligible for certification by TJJD;
- (2) has not had his/her certification revoked;
- (3) is not currently under an order of active suspension issued by TJJD; and
- (4) is not currently ineligible to take the certification exam due to repeated failures to pass the exam as described in §344.700 of this title.

(b) The verification must be completed using TJJD’s certification system.

*The Policy*

It is the policy of the Hunt County Juvenile Probation Department to perform criminal history searches on all positions, including those requiring certification and those not requiring certification.

The chief administrative officer or designee shall review the criminal history report to confirm that the applicant has no disqualifying criminal history before beginning employment with HCJPS.

Criminal history checks will additionally be run on volunteers, interns or individuals providing goods or services under contract. Some exemptions do occur for public school district employees who:

- (1) provide services in a juvenile justice facility or program; and
- (2) have completed all criminal history checks required by the Texas Education Agency.

Anyone with disqualifying criminal history will not be hired. Anyone already employed with HCJPS who develops a disqualifying criminal history is subject to disciplinary action up to and including immediate termination.

All tickets, arrests, charges, or convictions must be reported immediately to the Chief. This includes class C traffic, misdemeanors, and felonies.

HCJPS will require that all prospective applicants will submit fingerprints and have completed criminal history checks before beginning employment in the following manner.

- (1) HCJPS must ensure the individual has electronically submitted fingerprints using Fingerprint Applicant Services of Texas (FAST) and verify that the department is able to subscribe to the individual’s Fingerprint-Based Applicant Clearinghouse of Texas (FACT) record;
- (2) HCJPS must subscribe to that individual’s record in FACT; and

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(3) HCJPS must use the information in FACT to determine if the individual has a disqualifying criminal history as specified in §344.400 of this title.

All FACT subscriptions will be maintained on all employees for as long as they are employed with the department.

When considering an applicant with a previous military experience, the Chief or designee will review the applicant's most recent separation and discharge documents. This will include current employees returning from a period of active duty or is discharged from military service.

In the event separation or discharge documents reflect character of service that is anything other than "honorable discharge" or "honorably discharged," the department or facility must:

- (1) attempt to obtain authorization from the applicant for the release of information; and
- (2) request additional information from the appropriate governmental entity to determine whether the reason for discharge was the result of disqualifying criminal conduct.

The department must review this information to see if the applicant has a disqualifying history.

HCJPS does not currently have any private juvenile justice facilities operating in Hunt County.

There are other exemptions for criminal history checks that include;

Employees of facilities or programs that are licensed by the Texas Department of Family and Protective Services, the Texas Health and Human Services Commission, their successor agencies, or the equivalent agencies in other states are exempt from the requirements of §344.300 and §344.302 of this title.

Additional background checks will be conducted for applicants in positions that require certification.

HCJPS will verify that the applicant:

- (1) has not been designated as ineligible for certification by TJJD;
- (2) has not had his/her certification revoked;
- (3) is not currently under an order of active suspension issued by TJJD; and
- (4) is not currently ineligible to take the certification exam due to repeated failures to pass the exam as described in §344.700 of this title.

The verification will be completed using TJJD's certification system.



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*The Standard*

**344.400---Disqualifying Criminal History**

**(a) Applicants for Certification**

An individual with the following criminal history is not eligible for certification or for employment in a position requiring certification:

(1) deferred adjudication or conviction for a felony listed in Texas Code of Criminal Procedure Article 42A.054 (formerly known as “3(g) offenses” under former Article 42.12) or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition; or

(2) deferred adjudication or conviction for a sexually violent offense as defined in Article 62.001, Texas Code of Criminal Procedure, or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition.

**(b) Other Individuals Subject to Criminal Background Checks.**

An individual with the criminal history described in subsection (a) of this section is not eligible to serve in a position listed in §344.300(b)(3) of this chapter.

**(c) General Provisions.**

(1) Subsection (a)(1) of this section does not apply to individuals certified before February 1, 2018, unless the certification expires.

(2) Subsection (a)(1) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before February 1, 2018, with no break in service after that date.

(3) Subsection (a)(2) of this section does not apply to individuals certified before the most recent effective date of this section unless the certification expires.

(4) Subsection (a)(2) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before the most recent effective date of this section with no break in service after that date

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**344.410 Other Criminal History**

**(a) Applicants for Certification.**

(1) An individual with the following criminal history is not eligible for certification, employment, or otherwise providing service in a position requiring certification without prior review and approval by TJJD as provided in §344.420 of this chapter:

(A) deferred adjudication or conviction for a felony other than those referenced in §344.400(a) of this chapter or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than 10 years prior to the date the review is requested; or

(B) deferred adjudication or conviction for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than five years prior to the date the review is requested.

(2) Regardless of the date of conviction or deferred adjudication, a review is required if an individual was incarcerated or placed on community supervision for an offense described by paragraph (1) of this subsection and less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole.

(3) Regardless of the date of conviction or deferred adjudication, a review is required if an individual has a current requirement to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure, for an offense other than an offense described by §344.400(a) of this chapter.

**(b) Other Individuals Subject to Criminal Background Check.**

(1) An individual with the criminal history described in subsection (a) of this section is not eligible to begin serving or continue serving in a position listed in §344.300(b)(3) of this chapter unless the juvenile board or its documented designee has granted an exemption after considering the factors in §344.420 of this chapter.

(2) Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.

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(3) If the department or facility receives notification of a new conviction or deferred adjudication, the individual may not continue serving in the position unless the juvenile board or its documented designee grants a new exemption in accordance with this subsection. An exemption may not be granted for a conviction or deferred adjudication described in §344.400(a) of this chapter.

(4) An exemption granted under this subsection is valid for the individual only at the juvenile probation department or facility operated by or under contract with the juvenile board granting the exemption.

(5) The exemption is not valid if the person moves to a position requiring certification or if the department or facility seeks certification for the person in a position that allows for optional certification as provided in §344.802 of this chapter; in such cases, prior review and approval from TJJD is required as provided by subsection (a) of this section

**344.420 Pre-certification Review**

(a) A department or facility must request review from TJJD and receive confirmation from TJJD that approval has been granted before:

(1) hiring, contracting with, or otherwise placing a person with a criminal history described by §344.410(a) of this chapter into a position requiring certification; or

(2) seeking optional certification as provided in §344.802 of this chapter for a person with a criminal history described by §344.410(a) of this chapter.

(b) The purpose of the review by TJJD is to determine whether TJJD will deny a certification for the individual due to ineligibility for certification based on the criminal history. TJJD will conduct the review in accordance with this section.

(c) TJJD will first determine if the criminal history offense(s) directly relate to the duties and responsibilities of the position for which certification is required or sought. In making this determination, TJJD will consider:

(1) the nature and seriousness of the crime(s);

(2) the relationship of the crime(s) to the purposes for requiring a certification to engage in the occupation;

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(3) the extent to which a certification might offer an opportunity to engage in further criminal activity of the same type as that in which the person was previously involved;

(4) the relationship of the crime(s) to the ability or capacity required to perform the duties and discharge the responsibilities of the position; and

(5) any correlation between the elements of the crime(s) and the duties and responsibilities of the position.

(d) If TJJD determines the criminal history offense(s) do not directly relate to the duties and responsibilities of the position, TJJD will not deny the certification based on the criminal history.

(e) If TJJD determines the criminal history offense(s) directly relate to the duties and responsibilities of the position, TJJD will consider the following in determining whether to deny certification:

(1) the extent and nature of past criminal activity;

(2) the age of the person when each crime was committed;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person before and after the criminal activity;

(5) evidence of the person's rehabilitation and rehabilitative effort while incarcerated or after release;

(6) evidence of the person's compliance with any conditions of probation, community supervision, parole, or mandatory supervision; and

(7) any other evidence of the person's fitness to perform the duties of the position requiring certification, including any letters of recommendation.

(f) The individual to be certified is responsible for providing TJJD with the information required by TJJD to make its decision. Failure to timely provide TJJD with requested information may result in a denial of certification.

(g) In making its determinations under this section, TJJD will not consider an arrest that did not result in a conviction or placement on deferred adjudication.

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(h) If TJJD determines that the criminal history will not result in a denial of certification, TJJD will inform the individual and the department or facility, which may then proceed, as appropriate, with hiring, contracting with, or otherwise placing the individual into a position requiring certification or with seeking certification for the individual.

(i) If TJJD determines that the criminal history should result in a certification being denied, TJJD will provide the individual with written notice of the reason for the intended denial and will give the individual at least 30 calendar days to submit any relevant information for consideration. The written notice will comport with the requirements in Section 53.0231, Texas Occupations Code. TJJD will provide a copy of the written notice to the administrative officer of the hiring entity.

(j) Upon receipt of additional information as provided in subsection (i) of this section, TJJD will conduct an additional review in accordance with this section and will provide its final decision to the individual and to the department or facility that requested the initial review.

**344.430. Arrest or conviction of Currently Certified or Employed Individuals**

(a) This section applies to individuals employed by, under contract with, or otherwise providing services at a department or facility who are certified or for whom the department or facility is seeking certification, whether they are serving in a position requiring certification or in a position for which certification is optional under §344.802 of this chapter.

(b) If a department or facility receives notification that an individual to whom this section applies has been arrested for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must notify TJJD’s certification office in writing no later than 10 calendar days after receiving notice of the arrest. The department or facility must provide information regarding the circumstances of the arrest and respond to any questions from TJJD regarding the arrest.

(c) If a department or facility receives notification that an individual to whom this section applies has been convicted of or placed on deferred adjudication for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must:

(1) remove the person from the position requiring certification and from any position allowing the person unsupervised access to juveniles; and

(2) notify TJJD’s certification office in writing no later than 10 calendar days after receiving such notice. The department or facility must provide information regarding the conviction or deferred adjudication and respond to any questions from TJJD regarding the disposition.

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(d) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.400(a) of this chapter, TJJD will: (1) deny certification if the person is not yet certified; or (2) revoke certification if the person is certified.

(e) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.410(a) of this chapter, TJJD will conduct the review described in §344.420 to determine if certification should be denied if the person is not yet certified or if certification should be revoked or suspended if the person is certified.

(f) Notwithstanding subsection (d) of this section, TJJD will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation of community supervision, revocation of probation, or revocation of mandatory supervision.

***The Policy***

HCJPS will not offer employment to any applicant with the following criminal history restrictions:

(1) deferred adjudication or conviction for a felony listed in Texas Code of Criminal Procedure Article 42A.054 (formerly known as “3(g) offenses” under former Article 42.12) or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition; or

(2) deferred adjudication or conviction for a sexually violent offense as defined in Article 62.001, Texas Code of Criminal Procedure, or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition or

Currently required to register as a sex offender under Texas Code of Criminal Procedure Chapter 62.

HCJPS will not offer employment to an individual with a deferred adjudication or conviction of a felony other than those listed in 344.400(a) or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if less than 10 years has elapsed since the deferred adjudication or conviction.

HCJPS will not offer employment to an individual with a deferred adjudication or conviction for any Class A or B misdemeanor in Texas or substantially equivalent violation against the laws of another

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state or the United States (as determined by TJJD) if less than 5 years has elapsed since the date of deferred adjudication or conviction has occurred.

Regardless of the date of conviction or deferred adjudication, a review by TJJD is required if an individual was incarcerated or placed on community supervision for an offense described by paragraph (1) of this subsection and less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole. HCJPS will not offer an applicant employment under these circumstances.

Under the general provisions as set out in standards, HCJPS will adhere to the following;

(1) Subsection (a)(1) of this section does not apply to individuals certified before February 1, 2018, unless the certification expires. (2) Subsection (a)(1) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before February 1, 2018, with no break in service after that date. (3) Subsection (a)(2) of this section does not apply to individuals certified before the most recent effective date of this section unless the certification expires. (4) Subsection (a)(2) of this section does not apply to individuals in a position listed in §344.300(b)(3) of this chapter who began service provision before the most recent effective date of this section with no break in service after that date

HCJPS will follow the guidelines as set out in standards concerning the arrest or conviction of currently certified or employed individuals with our department. The guidelines are;

(a) This section applies to individuals employed by, under contract with, or otherwise providing services at a department or facility who are certified or for whom the department or facility is seeking certification, whether they are serving in a position requiring certification or in a position for which certification is optional under §344.802 of this chapter.

(b) If a department or facility receives notification that an individual to whom this section applies has been arrested for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must notify TJJD's certification office in writing no later than 10 calendar days after receiving notice of the arrest. The department or facility must provide information regarding the circumstances of the arrest and respond to any questions from TJJD regarding the arrest. 37 TAC Chapter 344 37 TAC Chapter 344 Page 14 of 26 5/1/23 Revision

(c) If a department or facility receives notification that an individual to whom this section applies has been convicted of or placed on deferred adjudication for criminal conduct described in §344.400(a) or §344.410(a) of this chapter, the department or facility must:

(1) remove the person from the position requiring certification and from any position allowing the person unsupervised access to juveniles; and

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(2) notify TJJJ's certification office in writing no later than 10 calendar days after receiving such notice. The department or facility must provide information regarding the conviction or deferred adjudication and respond to any questions from TJJJ regarding the disposition.

(d) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.400(a) of this chapter, TJJJ will:

- (1) deny certification if the person is not yet certified; or
- (2) revoke certification if the person is certified.

(e) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in §344.410(a) of this chapter, TJJJ will conduct the review described in §344.420 to determine if certification should be denied if the person is not yet certified or if certification should be revoked or suspended if the person is certified.

(f) Notwithstanding subsection (d) of this section, TJJJ will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation of community supervision, revocation of probation, or revocation of mandatory supervision.

HCJPS conducts criminal history checks prior to employment on all potential employees. This includes those that will serve in positions not requiring certification. HCJPS will not seek an exemption for employees with any of the disqualifying history listed in this Chapter.

Continued employment with HCJPS is contingent upon the employee keeping a clear criminal history.



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*The Standard*

**344.600 Training Hours Required for Certification**

- (a) To be eligible for certification, an individual must have received the following number of training hours:
- (1) a minimum of 80 hours of training, including training in topics described in §344.620 of this title, for certification as a juvenile probation officer;
  - (2) a minimum of 80 hours of training, including training in topics described in §344.622 and §344.624 of this title, for certification as a juvenile supervision officer; or
  - (3) a minimum of 40 hours of training, including training in topics described in §344.626 of this title, for certification as a community activities officer.
- (b) To be eligible for credit, training must have been received within 18 months prior to the date the application for certification is submitted to TJJD.

**344.610 Relevance of Training and Standardized Curriculum**

- (a) Training must be relevant to the knowledge and skills required in the performance of the officer's job duties to qualify for certification or continuing education credit.
- (b) Training in the mandatory exam topics listed in §344.620 and §344.622 of this title must be conducted by training providers who:
- (1) have successfully completed TJJD-sponsored training for trainers in the curriculum; or
  - (2) are qualified by relevant knowledge, education, and/or experience to train the topic.
- (c) The standardized curriculum provided by TJJD must be used in the provision of training on the mandatory exam topics listed in §344.620 and §344.622 of this title.
- (d) TJJD may refuse to grant credit for training hours that do not comply with this section.

**344.620 Mandatory Training Topics for Certification Exam for Juvenile Probation Officers**

- (a) Successful completion of the certification exam is required prior to performing the duties of a certified juvenile probation officer.
- (b) The certification exam for juvenile probation officers is based on the following mandatory training topics:
- (1) role of the probation officer;
  - (2) risk and needs assessment, case planning, and case management;
  - (3) recognizing and supervising youth with mental health issues;

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- (4) officer safety and mechanical restraints;
- (5) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
- (6) legal liabilities;
- (7) dispositional recommendations and courtroom proceedings;
- (8) TJJD code of ethics and TJJD disciplinary procedures;
- (9) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (10) purpose and goals of the Prison Rape Elimination Act;
- (11) suicide prevention and intervention;
- (12) trauma-informed care;
- (13) adolescent development and behavior; and
- (14) cultural competency.

**344.622 Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers**

- (a) In addition to the training requirements listed in §344.624 of this title, successful completion of the certification exam is required before a juvenile supervision officer may provide supervision of juveniles and count in any staff-to-juvenile ratio.
- (b) The certification exam for juvenile supervision officers is based on the following mandatory training topics:
  - (1) juvenile rights;
  - (2) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
  - (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
  - (4) purpose and goals of the Prison Rape Elimination Act;
  - (5) suicide prevention and intervention;
  - (6) legal liabilities;
  - (7) recognizing and supervising youth with mental health issues;
  - (8) adolescent development and behavior;
  - (9) HIV/AIDS and other communicable diseases;
  - (10) TJJD code of ethics and TJJD disciplinary procedures;
  - (11) trauma-informed care; and
  - (12) cultural competency.

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**344.624 Additional Training Requirements for Certification as a Juvenile Supervision Officer**

To be eligible for certification, juvenile supervision officers must:

- (1) receive training and maintain current certification in the following areas:
  - (A) cardiopulmonary resuscitation (CPR);
  - (B) first aid; and
  - (C) the personal restraint technique used by the department or facility; and
- (2) receive training in each of the following topics as it relates to the duties of a juvenile supervision officer:
  - (A) suicide prevention policies, including the suicide prevention plan in residential facilities;
  - (B) the policies of the facility or program related to preventing, identifying, and reporting abuse, neglect, and exploitation;
  - (C) verbal de-escalation policies, procedures, and practices;
  - (D) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use;
  - (E) resident supervision, including juvenile behavior observation and documentation requirements;
  - (F) behavior management, including the juvenile discipline plan and safety-based seclusion;
  - (G) resident-initiated separation;
  - (H) facility safety and security policies;
  - (I) referral of residents in need of medical, mental health, or dental services, as identified by staff or reported by residents;
  - (J) fire safety plan, including fire drill procedures;
  - (K) non-fire emergency and evacuation procedures;
  - (L) recognizing and responding to mental health needs of juveniles;
  - (M) juvenile grievance procedures;
  - (N) confidentiality of juvenile information;
  - (O) transportation of juveniles; and
  - (P) searches of juveniles.

**344.626 Required Training Topics for Community Activities Officers**

To be eligible for certification, community activities officers must:

- (1) receive training and maintain current certification in:
  - (A) cardiopulmonary resuscitation (CPR);
  - (B) first aid; and

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- (C) the personal restraint technique used by the department, if the department authorizes community activities officers to use personal restraints; and
- (2) receive training in the following topics:
- (A) the policies of the department related to preventing, identifying, and reporting abuse, neglect, and exploitation;
- (B) TJJJ code of ethics and TJJJ disciplinary procedures;
- (C) trauma-informed care;
- (D) verbal de-escalation policies, procedures, and practices; and
- (E) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.

**344.630 On-the-Job-Training**

- (a) To be eligible for credit toward initial certification and renewal of certification, documentation of an on-the-job training program must include the following elements, at a minimum:
- (1) name and signature of the trainee;
- (2) name and signature of the trainer(s);
- (3) signature of the supervisor/administrator;
- (4) training topics;
- (5) number of training hours for each topic; and
- (6) dates the topics were explained to the trainee, practiced by the trainee, and demonstrated by the trainee.
- (b) Staff members who provide on-the-job training must be qualified to do so based on knowledge, education, and/or experience.
- (c) For juvenile probation officers and juvenile supervision officers, a maximum of 40 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification period.
- (d) For community activities officers, a maximum of 20 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification period.

**344.640 Continuing Education Requirements for Maintaining Certification**

- (a) To maintain an active certification:
- (1) a juvenile probation officer must complete 60 hours of continuing education within the certification period;

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(2) a juvenile supervision officer must complete 80 hours of continuing education within the certification period; and

(3) a community activities officer must complete 40 hours of continuing education within the certification period.

(b) For juvenile supervision officers, continuing education received during each certification period must include:

- (1) suicide prevention policies, including the suicide prevention plan in residential facilities;
- (2) training necessary to maintain current certification in CPR, first aid, and the approved personal restraint technique;
- (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (4) verbal de-escalation policies, procedures, and practices; and
- (5) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.

(c) For community activities officers, continuing education received during each certification period must include:

- (1) training necessary to maintain current certification in CPR and first aid;
- (2) training necessary to maintain current certification in the department's personal restraint technique, if the department authorizes community activities officers to use personal restraints;
- (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (4) verbal de-escalation policies, procedures, and practices; and
- (5) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.

(d) For chief administrative officers and facility administrators, continuing education must include a minimum of 20 hours of management topics. This requirement does not apply to the certification period during which an individual is appointed as a chief administrative officer or facility administrator.

(e) A maximum of 20 hours of continuing education that exceeds the minimum requirement in a certification period may be applied to the next certification period.

(f) Documentation of the required continuing education must be submitted to TJJD through TJJD's certification system no later than the last day of the certification period.

(g) Requirements in subsection (a) of this section also apply in cases in which an officer's certification becomes inactive but is later reactivated within the same certification period.

**344.660 Approval and Review of Training and Continuing Education**

(a) To be eligible for credit, training or continuing education must be:

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- (1) relevant, which means it is related to job responsibilities, the field of juvenile justice, or fields of study approved by TJJD;
  - (2) organized, which means it is based on documentation that includes specified learning objectives, training methods, and evaluation techniques; and
  - (3) planned, which means it is scheduled and conducted in a predetermined location.
- (b) To be eligible for credit, training or continuing education provided by the department or facility must:
- (1) meet the criteria in subsection (a) of this section; and
  - (2) be evaluated, which means participants are provided an opportunity to provide written feedback and/or participants are tested (written or demonstrated) to measure the transfer of knowledge.
- (c) TJJD may, on a case-by-case basis, approve events for credit that do not meet the requirements in subsection (a) or (b) of this section.
- (d) Training and continuing education topics must be approved by TJJD in order to count toward the requirements of this chapter. A department or facility may request advance approval of a training or continuing education topic by contacting the TJJD certification office.
- (e) A department or facility may request a review of TJJD’s decision not to approve a topic. In support of the request, the department or facility must describe how the topic relates to the job duties and responsibilities of the officer. TJJD may request additional documentation to evaluate the appropriateness of the topic.

**344.670 Training Methods and Limitations**

**(a) Limitations on Topics.**

**(1) Repetitive Training.**

(A) Credit will not be granted more than twice in a certification period for training that is duplicative in nature, except as noted in subparagraphs(B) and (C) of this paragraph.

(B) If an officer is concurrently employed by more than one department or facility or has transferred to a new department or facility within a certification period, credit for a training topic may be granted up to four times in a certification period.

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(C) For juvenile supervision officers and community activities officers, credit for a training topic may be granted one additional time if: (i) the topic is one of the topics required during each certification period as listed in §344.640 of this chapter; and (ii) training hours for the topic have been carried over from the prior certification period as allowed by §344.640 of this chapter.

**(2) Review of Policy and Procedure.**

A review of the policies and procedures of the department or facility is not eligible for credit unless documentation reflects that the review meets the requirements in §344.660(a) of this chapter.

**(3) Meetings.**

Meetings, including staff meetings, are not considered a training activity unless supporting documentation indicates that all or part of the meeting meets the requirements in §344.660(a) of this chapter. If only a portion of the meeting meets the requirements in §344.660(a) of this chapter, credit may be awarded only for that portion of the meeting.

**(4) Review of Employee Benefits.**

A review of employment-related benefits and plans is not eligible for credit unless: (A) the officer is a supervisor and the review relates to supervisory duties or is being provided as part of a formal leadership development program; and (B) the review meets the requirements in §344.660(a) of this chapter.

**(5) Firearms Training.**

Training required under §341.808 of this chapter relating to carrying a firearm in the course of an officer's official duties is not eligible for credit toward continuing education requirements in this chapter.

**(b) Limitations on Training Methods.**

The hour limitations in this section apply to training received within a certification period. (1) There is no limitation on the number of hours that may be obtained from live training. Live training includes in-person training and online training in which the presenter and the person

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claiming credit appear at the same time and have the ability to interact, either verbally or in writing.

(2) There is no limitation on the number of hours that may be obtained from watching pre-recorded training if the training is provided by, sponsored by, or co-sponsored by TJJD. Pre-recorded training includes recordings of live interactive trainings as well as recordings of trainings that were not interactive.

(3) For juvenile probation officers and juvenile supervision officers, a maximum of 20 hours of pre-recorded training other than pre-recorded training described in paragraph (2) of this subsection may be eligible for credit.

(4) For community activities officers, a maximum of 10 hours of pre-recorded training other than pre-recorded training described in paragraph (2) of this subsection may be eligible for credit.

(5) A maximum of 40 hours may be eligible for credit for successful completion of one or more college courses in topics relevant to the officer's job duties. A course must be provided by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board. TJJD determines on a case-by-case basis whether credit is granted for the course and the number of hours approved for credit.

**(c) Limitations on Credit for Development and Delivery of Training.**

(1) A training provider may claim a maximum of 20 hours in a certification period for the time spent delivering training.

(2) An individual who develops training curriculum may claim a maximum of 20 hours in a certification period for the time spent developing the curriculum.

(3) Credit under this subsection is allowed only for the topics listed in §§344.620, 344.622, 344.624, and 344.626 of this chapter.

**344.680 Documentation**

(a) Documentation of all training used for certification must be maintained for monitoring purposes until the end of the current certification period plus two years, at a minimum. This retention



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requirement does not supersede any requirement in any other rule, statute, or local policy that requires a longer retention period.

(b) Documentation may include training curricula, sign-in sheets, agendas, certificates of completion, correspondence from the instructor, registration receipts, and/or exam results.

(c) Upon request, a department or facility must submit training records to a department or facility in which an officer has obtained subsequent or concurrent employment.

### *The Policy*

It is the policy of HCJPS for all employees to maintain the required training and continuing education to meet education and certification requirements.

HCJPS will ensure that an applicant for certification receives at least the minimum of training hours in the mandatory topics required by TJJD.

- Probation Officer certification requires at least 80 hours.
- HCJSP does not maintain Juvenile Supervision Officers
- Community Activities Officers require a minimum of 40 hours.

Training must be relevant to the knowledge and skills required in the performance of the officer's job duties to be considered for certification or continuing education credit.

Training in the mandatory topics shall be conducted by training providers who have received specialized training in the curriculum from TJJD or are qualified by relevant knowledge, education, and/or experience to train the topic.

TJJD reserves the right to refuse to approve or grant credit for training hours that do not comply with this standard.

Juvenile Probation Officers that are requiring initial certification will have training in the following mandatory topics and must pass the certification examination prior to performing any related job duties of a certified JPO.

- (1) role of the probation officer;
- (2) risk and needs assessment, case planning, and case management;

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- (3) recognizing and supervising youth with mental health issues;
- (4) officer safety and mechanical restraints;
- (5) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
- (6) legal liabilities;
- (7) dispositional recommendations and courtroom proceedings;
- (8) TJJD code of ethics and TJJD disciplinary procedures;
- (9) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (10) purpose and goals of the Prison Rape Elimination Act;
- (11) suicide prevention and intervention;
- (12) trauma-informed care;
- (13) adolescent development and behavior; and
- (14) cultural competency.

Community Activities Officers will have training in the following mandatory topics. This type of certification does not require a certification examination.

- (1) receive training and maintain current certification in:
  - (A) cardiopulmonary resuscitation (CPR);
  - (B) first aid; and
  - (C) the personal restraint technique used by the department, if the department authorizes community activities officers to use personal restraints; and
- (2) receive training in the following topics:
  - (A) the policies of the department related to preventing, identifying, and reporting abuse, neglect, and exploitation;
  - (B) TJJD code of ethics and TJJD disciplinary procedures;
  - (C) trauma-informed care;
  - (D) verbal de-escalation policies, procedures, and practices; and
  - (E) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.

A juvenile justice program or juvenile justice facility may implement a structured on-the-job training program for use in meeting certification and continuing education requirements as described in policy.

HCJPS does not currently operate an on the job training curriculum but will make sure that all applicants will receive the required training as set out in Chapter 344..

HCJPS will ensure that a juvenile probation officer shall complete a minimum of 60 hours every 24

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months and in topics related to the officer’s job duties and responsibilities in order to maintain an active certification:

- For chief administrative officers this training shall include a minimum of 20 hours of management topics.
  - A maximum of 20 hours of training credit that exceeds the minimum requirement in a specific reporting period may be applied to the next reporting period.
  - Documentation of the required continuing education shall be submitted to TJJD through the TJJD’s automated certification information system within 24 months of the initial certification date no later than the last day of the certification period which falls in the applicant’s birth month.
- Requirements in subsection (a) of §344.640 also apply in cases in which an officer’s certification becomes inactive but is later reactivated within the same certification period.
- All certified community activities officers will receive 40 hours training in related topics every 24 months to maintain their certification. Training during the 24 month period will include all the mandatory topics required for recertification for community activity officers.

HCJPS will make every effort to ensure the training is eligible and approved for credit, training and continued education as specified by TJJD.

HCJPS will adhere to the following concerning approval and review of training and continuing education;

(a) To be eligible for credit, training or continuing education must be: (1) relevant, which means it is related to job responsibilities, the field of juvenile justice, or fields of study approved by TJJD; (2) organized, which means it is based on documentation that includes specified learning objectives, training methods, and evaluation techniques; and (3) planned, which means it is scheduled and conducted in a predetermined location. (b) To be eligible for credit, training or continuing education provided by the department or facility must: (1) meet the criteria in subsection (a) of this section; and (2) be evaluated, which means participants are provided an opportunity to provide written feedback and/or participants are tested (written or demonstrated) to measure the transfer of knowledge. (c) TJJD may, on a case-by-case basis, approve events for credit that do not meet the requirements in subsection (a) or (b) of this section. (d) Training and continuing education topics must be approved by TJJD in order to count toward the requirements of this chapter. A department or facility may request advance approval of a training or continuing education topic by contacting the TJJD certification office. (e) A department or facility may request a review of TJJD’s decision not to approve a topic. In support of the request, the department or facility must describe how the topic

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relates to the job duties and responsibilities of the officer. TJJD may request additional documentation to evaluate the appropriateness of the topic.

HCJPS will adhere to the following concerning training methods and limitations;

**(a) Limitations on Topics.** (1) Repetitive Training. (A) Credit will not be granted more than twice in a certification period for training that is duplicative in nature, except as noted in subparagraphs (B) and (C) of this paragraph. (B) If an officer is concurrently employed by more than one department or facility or has transferred to a new department or facility within a certification period, credit for a training topic may be granted up to four times in a certification period. (C) For juvenile supervision officers and community activities officers, credit for a training topic may be granted one additional time if: (i) the topic is one of the topics required during each certification period as listed in §344.640 of this chapter; and (ii) training hours for the topic have been carried over from the prior certification period as allowed by §344.640 of this chapter. (2) Review of Policy and Procedure. A review of the policies and procedures of the department or facility is not eligible for credit unless documentation reflects that the review meets the requirements in §344.660(a) of this chapter. (3) Meetings. Meetings, including staff meetings, are not considered a training activity unless supporting documentation indicates that all or part of the meeting meets the requirements in §344.660(a) of this chapter. If only a portion of the meeting meets the requirements in §344.660(a) of this chapter, credit may be awarded only for that portion of the meeting. (4) Review of Employee Benefits. A review of employment-related benefits and plans is not eligible for credit unless: (A) the officer is a supervisor and the review relates to supervisory duties or is being provided as part of a formal leadership development program; and (B) the review meets the requirements in §344.660(a) of this chapter. (5) Firearms Training. Training required under §341.808 of this chapter relating to carrying a firearm in the course of an officer's official duties is not eligible for credit toward continuing education requirements in this chapter.

**(b) Limitations on Training Methods.** The hour limitations in this section apply to training received within a certification period. (1) There is no limitation on the number of hours that may be obtained from live training. Live training includes in-person training and online training in which the presenter and the person claiming credit appear at the same time and have the ability to interact, either verbally or in writing.

(2) There is no limitation on the number of hours that may be obtained from watching pre-recorded training if the training is provided by, sponsored by, or co-sponsored by TJJD. Pre-recorded training includes recordings of live interactive trainings as well as recordings of trainings that were not interactive. (3) For juvenile probation officers and juvenile supervision officers, a maximum of 20 hours of pre-recorded training other than pre-recorded training described in paragraph (2) of this

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subsection may be eligible for credit. (4) For community activities officers, a maximum of 10 hours of pre-recorded training other than pre-recorded training described in paragraph (2) of this subsection may be eligible for credit. (5) A maximum of 40 hours may be eligible for credit for successful completion of one or more college courses in topics relevant to the officer's job duties. A course must be provided by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board. TJJD determines on a case-by-case basis whether credit is granted for the course and the number of hours approved for credit.

**(c) Limitations on Credit for Development and Delivery of Training.** (1) A training provider may claim a maximum of 20 hours in a certification period for the time spent delivering training. (2) An individual who develops training curriculum may claim a maximum of 20 hours in a certification period for the time spent developing the curriculum. (3) Credit under this subsection is allowed only for the topics listed in §§344.620, 344.622, 344.624, and 344.626 of this chapter.

Documentation of all training received shall be maintained in the department or facility's files for monitoring purposes. Documentation may include sign-in sheets, agendas, certificates of completion, correspondence from the instructor, registration receipts, and/or exam results. The chief administrative officer or designee shall, upon request, submit training records to a juvenile probation department in which an officer has obtained subsequent employment

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*The Standard*

**344.700---Certification Exam**

(a) To be eligible for certification as a juvenile probation officer or juvenile supervision officer, an individual must pass the certification exam required by TJJD.

(b) Before taking the exam, the individual must complete the training required in §344.620 or §344.622 of this title, as applicable.

(c) The department or facility employing the individual must either pay any required exam fee or require the individual to pay the fee.

(d) A score of 70% or higher is required to pass the exam.

(e) An individual is allowed three attempts to pass the exam, except as provided in subsections (f) and (g) of this section.

(f) An individual who has not passed the exam after three attempts may not take the exam again until: (1) 180 days have elapsed since the date the individual last took the exam; and (2) the individual has repeated the training topics required in §344.620 or §344.622 of this title after the date the individual last took the exam. Credit toward certification is granted only for the training hours in those topics that are completed after the date the individual last failed the exam.

(g) An individual who is dismissed from an exam for cheating or otherwise failing to follow exam rules provided by TJJD is not eligible to take the exam again or be certified. If an individual is dismissed for cheating or otherwise failing to follow exam rules provided by TJJD while taking the exam at a department or facility, the department or facility must notify TJJD's certification office in writing within one business day.

(h) Except as provided in subsection (i) of this section, the requirements of this subchapter apply to individuals who: (1) do not currently hold a certification as a juvenile probation officer and who begin employment as a juvenile probation officer on or after September 1, 2016; or (2) do not currently hold a certification as a juvenile supervision officer and who begin employment as a juvenile supervision officer on or after September 1, 2017.

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(i) This subchapter does not apply to an individual whose certification has expired if less than six months has elapsed between the date of the expiration and the date the individual submits an application for the same certification.

(j) A department or facility that proctors the certification exam must ensure the proctor complies with TJJD's proctoring agreement.

***The Policy***

It is policy of the Hunt County Juvenile Probation Department for all officers to pass the competency exam prescribed by TJJD in order to maintain eligibility and certification required once the test is in place and being administered.

**Competency Examination Requirements**

A juvenile probation officer or juvenile supervision officer shall pass the competency exam prescribed by TJJD in order to be eligible for certification and to be eligible for continued employment with HCJPS.

HCJPS will adhere to the following for training and rules for the examination;

(a) To be eligible for certification as a juvenile probation officer or juvenile supervision officer, an individual must pass the certification exam required by TJJD.

(b) Before taking the exam, the individual must complete the training required in §344.620 or §344.622 of this title, as applicable.

(c) The department or facility employing the individual must either pay any required exam fee or require the individual to pay the fee.

(d) A score of 70% or higher is required to pass the exam.

(e) An individual is allowed three attempts to pass the exam, except as provided in subsections (f) and (g) of this section.

(f) An individual who has not passed the exam after three attempts may not take the exam again until: (1) 180 days have elapsed since the date the individual last took the exam; and (2) the individual has repeated the training topics required in §344.620 or §344.622 of this title after the

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date the individual last took the exam. Credit toward certification is granted only for the training hours in those topics that are completed after the date the individual last failed the exam.

(g) An individual who is dismissed from an exam for cheating or otherwise failing to follow exam rules provided by TJJD is not eligible to take the exam again or be certified. If an individual is dismissed for cheating or otherwise failing to follow exam rules provided by TJJD while taking the exam at a department or facility, the department or facility must notify TJJD's certification office in writing within one business day.

(h) Except as provided in subsection (i) of this section, the requirements of this subchapter apply to individuals who: (1) do not currently hold a certification as a juvenile probation officer and who begin employment as a juvenile probation officer on or after September 1, 2016; or (2) do not currently hold a certification as a juvenile supervision officer and who begin employment as a juvenile supervision officer on or after September 1, 2017.

(i) This subchapter does not apply to an individual whose certification has expired if less than six months has elapsed between the date of the expiration and the date the individual submits an application for the same certification.

(j) A department or facility that proctors the certification exam must ensure the proctor complies with TJJD's proctoring agreement.

**Any employee with HCJPS who does not pass the required examination for their respective certifications, will have an immediate review for eligibility to remain employed with HCJPS.**



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*The Standard*

**344.800 Positions Requiring Certification**

- (a) Chief administrative officers must maintain an active certification as a juvenile probation officer.
- (b) Facility administrators must maintain an active certification as a juvenile supervision officer.
- (c) Supervisors in the direct chain of supervision over juvenile probation officers must maintain an active certification as a juvenile probation officer.
- (d) Supervisors in the direct chain of supervision over juvenile supervision officers must be certified as a juvenile probation officer and/or juvenile supervision officer.
- (e) Supervisors in the direct chain of supervision over community activities officers must maintain an active certification as one or more of the following: juvenile probation officer, juvenile supervision officer, or community activities officer.
- (f) Juvenile probation officers, including any staff member whose position may require temporarily performing the duties of a juvenile probation officer, must maintain an active certification as a juvenile probation officer.
- (g) Juvenile supervision officers, including any staff member whose position may require temporarily performing the duties of a juvenile supervision officer, must maintain an active certification as a juvenile supervision officer.
- (h) An individual who is employed by a juvenile justice program and whose position may require supervising juveniles in a non-secure setting within a juvenile justice program must maintain an active certification as a community activities officer, except as noted in subsection (i) of this section.
- (i) Juvenile probation officers and juvenile supervision officers, as defined by this chapter, do not require certification as a community activities officer.
- (j) Nothing in this chapter is intended to require professionals who are providing services in their professional capacity to obtain certification from TJJD. For purposes of this chapter, providing services in a professional capacity is not considered supervising juveniles.

**344.802 Positions Eligible for Optional Certification**

- (a) The following individuals may be certified as a juvenile probation officer, juvenile supervision officer, and/or community activities officer if they meet the criteria for certification:
  - (1) quality assurance staff; and
  - (2) trainers of individuals in positions requiring certification.
- (b) The individuals listed in subsection (a) of this section are the only individuals other than those listed in §344.800 of this title who may be certified by TJJD.

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**344.804 Dual Certification**

- (a) Individuals may hold more than one certification by TJJD if they meet all criteria required for each certification and their job duties are consistent with all certifications held, except as noted in subsection (b) of this section.
- (b) An individual may not hold an active certification as a juvenile supervision officer and as a community activities officer unless the individual is concurrently employed by more than one department or facility.
- (c) Training received may be used for credit toward more than one type of TJJD-issued certification if the topic is relevant to each certification sought or held.

**344.850 Continued Employment in a Position Eligible for Certification**

- (a) To maintain an active certification under this chapter, a certified officer must be employed:
  - (1) by a governmental unit or by a private provider under a contract with a governmental unit; and
  - (2) in a position eligible for certification.
- (b) Upon receiving notification from the employer of the individual's resignation, termination from employment, or transfer into a position not eligible for certification, TJJD places the officer's certification on inactive status.

**344.860 Certification Process**

- (a) **Submission of Applications.**  
All certification applications must be submitted through TJJD's certification system.
- (b) **Training Record.**  
The department or facility must use TJJD's certification system to record training received by individuals seeking certification.
- (c) **Deadline for Submission of Application.**  
The certification application must be submitted to TJJD no more than 180 calendar days after the date of initial employment.
  - (1) An individual whose application for certification has not been submitted within this time frame:
    - (A) may not perform the duties of a certified officer;
    - (B) may not count toward any staff-to-juvenile ratio; and

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(C) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after the application has been approved by TJJD.

(2) Part-time staff are allowed an additional 90 days to complete the required training.

**(d) Criminal History Checks.**

A certification application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

**(e) Approval of Applications.**

- (1) TJJD reviews information contained in an application to determine eligibility for certification.
- (2) TJJD may request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

**(f) Denial of Certification.**

Any individual whose application is denied because TJJD has determined a certification will not be granted may not perform the duties of a certified officer or be employed in any position requiring certification.

**344.862 Expiration of Certification**

- (a) Certifications issued by TJJD expire upon failure to submit a renewal application before the end of the certification period plus any applicable grace period or extension.
- (b) A certification period is the 24-month period that starts on the first day of the month following the officer's birth month and ends on the last day of the officer's birth month.
- (c) The *first* certification period also includes the time between the date of certification and the officer's next birth month.
- (d) The grace period is the one-month period following the end of an officer's certification period.
- (e) Extensions may be granted in accordance with §344.870 of this title.
- (f) An officer whose certification is expired:
  - (1) may not perform the duties of a certified officer;
  - (2) may not count toward any staff-to-juvenile ratio; and
  - (3) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after a new application for certification has been approved by TJJD.

**344.864 Certification Renewal Process**

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**(a) Submission of Renewal Applications.**

All applications for renewal must be submitted through TJJD's certification system.

**(b) Training Documentation.**

The department or facility must use TJJD's certification system to document continuing education received by individuals seeking a certification renewal.

**(c) Criminal History Checks.**

A certification renewal application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

**(d) Deadline for Submission of Renewal Application.**

**(1) Renewal applications:**

(A) must be submitted before the end of an officer's certification period; and

(B) may not be submitted earlier than 30 days before the end of the officer's certification period.

(2) If an application to renew an officer's certification has not been submitted by the end of the officer's certification period plus any applicable grace period or extension, the officer's certification expires.

**(e) Approval of Applications.**

(1) TJJD reviews information contained in a renewal application to determine whether the officer has met the requirements to be granted a renewed certification.

(2) TJJD may request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

**(f) Denial of Applications.**

Any individual whose application is denied because TJJD has determined a certification renewal will not be granted may not perform the duties of a certified officer or be employed in any position requiring certification.

**344.866 Certification Status**

**(a) Active.**

A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable.

**(b) Inactive.**

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A status that indicates an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

- (1) the officer is no longer employed in a position that either requires or is eligible for the certification held;
- (2) the officer has been convicted of a disqualifying criminal offense; or
- (3) the officer's application for certification or renewal of certification is determined by TJJD to contain deliberately false or misleading information.

**(c) Expired.**

A status that indicates an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension.

**(d) Suspended.**

A status that indicates an officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. If the officer's certification is suspended for failure to pay child support under Section 232.003, Texas Family Code, the suspension remains in effect until TJJD receives an order staying or vacating the suspension.

**(e) Revoked.**

A status that indicates an officer's certification has been permanently revoked by TJJD and that the officer is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer, or community activities officer. An individual who has had his/her certification revoked is not eligible for any future certification.

**(f) Voluntarily Relinquished.**

A status that indicates an officer has voluntarily relinquished his/her certification as provided in §344.884 of this title.

**344.868 Change from Inactive to Expired Certification**

An inactive certification will expire on the date this section takes effect if the deadline for submitting an application for certification renewal has passed.

**344.870 Request for Extension of Renewal Deadline**

- (a) Upon request, TJJD may grant an extension of the deadline for certification renewal if TJJD determines there is good cause to do so. Examples of good cause may include, but are not limited to, extended periods of absence covered by the Family and Medical Leave Act (FMLA) or workers' compensation laws.
- (b) A certified officer on military leave will be granted an extension for an amount of time equal to the period of military leave, up to a maximum of 24 months.

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(c) If an officer does not satisfy all requirements necessary to maintain an active certification by the end of the extension period, the officer's certification expires.

**344.874 Separation From Employment and Transfer from a Certified to a Non-Certified Position**

(a) The department or facility must notify TJJD's certification office in writing or through TJJD's certification system within 10 calendar days after any of the following events:

- (1) the resignation or termination of a certified officer; and/or
- (2) the transfer of a certified officer to a position neither requiring certification nor eligible for certification.

(b) The department or facility must notify TJJD's certification office in writing of the resignation or termination of an individual who was an authorized user of any TJJD web-based computer application as soon as possible but no later than one business day after the individual is separated from employment. Upon receipt of notice, TJJD will remove the separated employee's user authorization.

**344.876 Duty to Keep Certified Officers' Addresses Current**

A department or facility must ensure TJJD's certification system reflects the last known address of each certified officer employed by the department or facility.

**344.878 Duty to Notify TJJD of Address Changes**

A certified officer who separates from employment with a department or facility must notify TJJD's certification office of all address changes occurring after separation from employment until the certification expires or is reactivated, revoked, or voluntarily relinquished.

**344.880 Reactivation, Restoration, or Transfer of Certification Records**

(a) If an individual with an inactive or expired certification is hired in a position requiring certification, the employing department or facility must request through TJJD's certification system that the individual's record be reactivated (if inactive) or restored (if expired). If the individual was most recently employed as a certified officer by a different department or facility, the employing department or facility must also request through TJJD's certification system that the individual's certification record be transferred.

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(b) When a certification is reactivated or restored or a record is transferred, all criminal history checks set forth in Subchapter C of this chapter apply. The request for reactivation, restoration, or transfer must include verification that all required criminal history checks have been completed.

(c) When reactivating an inactive certification, the continuing education requirements set forth in §344.640 of this title apply.

(1) All training received during the current certification period may be used to meet the continuing education requirements in §344.640 of this title.

(2) The individual may receive credit for training received during a period of inactive certification. All rules in this chapter regarding relevance and documentation of the training apply.

(d) When an individual with an expired certification has his/her record restored, an application for a new certification must be submitted and all training requirements in §344.600(a) and (b) of this title apply.

(1) For certifications that have been expired for less than six months when the application for certification is submitted, all eligible training received during the previous certification period may be used to meet the training requirements.

(2) For certifications that have been expired for six months or more when the application for certification is submitted, all eligible training received within the 18 months prior to the date the application for certification is submitted to TJJD may be used to meet the training requirements.

(e) When an individual with an expired juvenile probation officer or juvenile supervision officer certification applies for the same type of certification six months or more after his/her certification expired, certification exam requirements in §344.700 of this title apply.

**344.884 Voluntary Relinquishment of Certification**

(a) A certified officer may submit to TJJD’s certification office a signed, notarized request to voluntarily relinquish his/her certification for any reason. TJJD may accept or deny the request.

(b) An individual who has voluntarily relinquished his/her certification may or may not be eligible for future certification, as determined solely by TJJD.

(c) A certification that has been voluntarily relinquished may not be reactivated. If future certification is sought, the individual must comply with initial certification requirements as set forth in this chapter.

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***The Policy***

It is policy of the Hunt County Juvenile Probation Department for all officers to acquire and maintain the required certifications as prescribed by the TJJD standards.

Certain positions require certification by TJJD in order to perform the job functions of the position. Positions requiring certification are specified in Chapter 344. Positions requiring certification that are applicable to HCJPS are:

- (a) Chief administrative officer
- (b) Supervisors of juvenile probation officers or community activity officers
- (c) Juvenile probation officers
- (d) Community activities officers

The only other positions eligible for to be certified by TJJD are quality assurance staff and trainers of individuals in positions requiring certification.

TJJD allows for dual certification under §344.804. HCJPS will refer all its employees to the “secondary employment” policy under the administrative section of the policy and procedure manual and would remind the employee that: If the department feels that any secondary job is creating a conflict of interest, placing an employee at risk, and/or interfering with his/her job at HCJPS, there will be a discussion between the employee and the Chief to determine what is in the best interest of the department.

HCJPS will ensure employees who are certified meet the requirements for continued employment with HCJPS under the requirements of §344.850 of this chapter.

HCJPS will follow the requirements for the certification process in the following manner;

**(a) Submission of Applications.**

All certification applications must be submitted through TJJD’s certification system.

**(b) Training Record.**

The department or facility must use TJJD’s certification system to record training received by individuals seeking certification.

**(c) Deadline for Submission of Application.**

The certification application must be submitted to TJJD no more than 180 calendar days after the date of initial employment.



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- (1) An individual whose application for certification has not been submitted within this time frame:
  - (A) may not perform the duties of a certified officer;
  - (B) may not count toward any staff-to-juvenile ratio; and
  - (C) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after the application has been approved by TJJD.

(2) Part-time staff are allowed an additional 90 days to complete the required training.

**(d) Criminal History Checks.**

A certification application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

**(e) Approval of Applications.**

- (1) TJJD reviews information contained in an application to determine eligibility for certification.
- (2) TJJD may request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

**(f) Denial of Certification.**

Any individual whose application is denied because TJJD has determined a certification will not be granted may not perform the duties of a certified officer or be employed in any position requiring certification.

HCJPS will submit its applications in a timely manner as to not place an employee's application in jeopardy of expiring and subject to not being able to perform their duties. Certifications can expire for not submitting a renewal application before the end of the certification period plus any applicable grace period or extension. If an officer's certification is expired:

- (1) may not perform the duties of a certified officer;
- (2) may not count toward any staff-to-juvenile ratio; and
- (3) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after a new application for certification has been approved by TJJD.

Every 24 months an employee with a certification will be submitted for renewal of their certification. HCJPS will use the following renewal process as stated in §344.864.

**(a) Submission of Renewal Applications.**

All applications for renewal must be submitted through TJJD's certification system.

**(b) Training Documentation.**

The department or facility must use TJJD's certification system to document continuing education received by individuals seeking a certification renewal.

**(c) Criminal History Checks.**

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A certification renewal application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

**(d) Deadline for Submission of Renewal Application.**

(1) Renewal applications:

- (A) must be submitted before the end of an officer's certification period; and
- (B) may not be submitted earlier than 30 days before the end of the officer's certification period.

(2) If an application to renew an officer's certification has not been submitted by the end of the officer's certification period plus any applicable grace period or extension, the officer's certification expires.

**(e) Approval of Applications.**

(1) TJJD reviews information contained in a renewal application to determine whether the officer has met the requirements to be granted a renewed certification.

(2) TJJD may request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

**(f) Denial of Applications.**

Any individual whose application is denied because TJJD has determined a certification renewal will not be granted may not perform the duties of a certified officer or be employed in any position requiring certification.

HCJPS will adhere to the following descriptions as to the status of an employee's certification.

**(a) Active.**

A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable.

**(b) Inactive.**

A status that indicates an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

- (1) the officer is no longer employed in a position that either requires or is eligible for the certification held;
- (2) the officer has been convicted of a disqualifying criminal offense; or
- (3) the officer's application for certification or renewal of certification is determined by TJJD to contain deliberately false or misleading information.

**(c) Expired.**

A status that indicates an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension.

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**(d) Suspended.**

A status that indicates an officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. If the officer's certification is suspended for failure to pay child support under Section 232.003, Texas Family Code, the suspension remains in effect until TJJD receives an order staying or vacating the suspension.

**(e) Revoked.**

A status that indicates an officer's certification has been permanently revoked by TJJD and that the officer is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer, or community activities officer. An individual who has had his/her certification revoked is not eligible for any future certification.

**(f) Voluntarily Relinquished.**

A status that indicates an officer has voluntarily relinquished his/her certification as provided in §344.884 of this title.

HCJPS may make a request for an extension of the renewal of an officer's certification under the circumstances laid out in §344.870 of this chapter.

HCJPS will notify TJJD's certification office in writing or by the certification system within 10 calendar days if any of the following occurs:

- (1) the resignation or termination of a certified officer; and/or
  - (2) the transfer of a certified officer to a position neither requiring certification nor eligible for certification.
- (b) The department or facility must notify TJJD's certification office in writing of the resignation or termination of an individual who was an authorized user of any TJJD web-based computer application as soon as possible but no later than one business day after the individual is separated from employment. Upon receipt of notice, TJJD will remove the separated employee's user authorization.

HCJPS employees must notify the Chief or their designee with 7 days of any change of address so that all information in TJJD's certification system is kept current. HCJPS will enter changes of addresses when it is reported to Chief JPO.

Any employee that leaves employment with HCJPS and is in a position that requires certification must notify TJJD of any address changes occurring after separation until the certification expires or is reactivated, revoked, or voluntarily relinquished.

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HCJPS department will use the following guidelines for any employee requiring reactivation, restoration or transfer of records.

(a) If an individual with an inactive or expired certification is hired in a position requiring certification, the employing department or facility must request through TJJD's certification system that the individual's record be reactivated (if inactive) or restored (if expired). If the individual was most recently employed as a certified officer by a different department or facility, the employing department or facility must also request through TJJD's certification system that the individual's certification record be transferred.

(b) When a certification is reactivated or restored or a record is transferred, all criminal history checks set forth in Subchapter C of this chapter apply. The request for reactivation, restoration, or transfer must include verification that all required criminal history checks have been completed.

(c) When reactivating an inactive certification, the continuing education requirements set forth in §344.640 of this title apply.

(1) All training received during the current certification period may be used to meet the continuing education requirements in §344.640 of this title.

(2) The individual may receive credit for training received during a period of inactive certification. All rules in this chapter regarding relevance and documentation of the training apply.

(d) When an individual with an expired certification has his/her record restored, an application for a new certification must be submitted and all training requirements in §344.600(a) and (b) of this title apply.

(1) For certifications that have been expired for less than six months when the application for certification is submitted, all eligible training received during the previous certification period may be used to meet the training requirements.

(2) For certifications that have been expired for six months or more when the application for certification is submitted, all eligible training received within the 18 months prior to the date the application for certification is submitted to TJJD may be used to meet the training requirements.

(e) When an individual with an expired juvenile probation officer or juvenile supervision officer certification applies for the same type of certification six months or more after his/her certification expired, certification exam requirements in §344.700 of this title apply.

If a HCJPS certified officer wishes to relinquish their certification, they must do the following:

(a) A certified officer may submit to TJJD's certification office a signed, notarized request to voluntarily relinquish his/her certification for any reason. TJJD may accept or deny the request.

(b) An individual who has voluntarily relinquished his/her certification may or may not be eligible for future certification, as determined solely by TJJD.

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(c) A certification that has been voluntarily relinquished may not be reactivated. If future certification is sought, the individual must comply with initial certification requirements as set forth in this chapter.

FILED FOR RECORD  
at 1:00 o'clock P M

Hunt County Juvenile Probation Services

MAY 18 2023

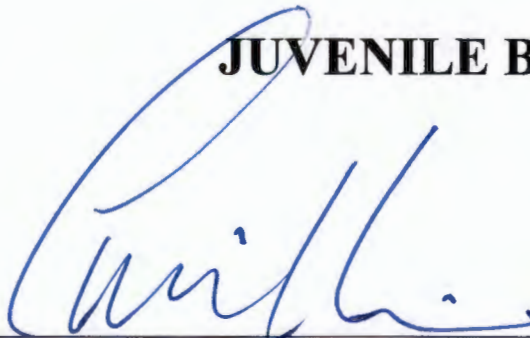
POLICY AND PROCEDURE MANUAL

By BECKY LANDRUM  
County Clerk, Hunt County, Tex.

Changes to Ch. 341 & Ch. 344

May 2023

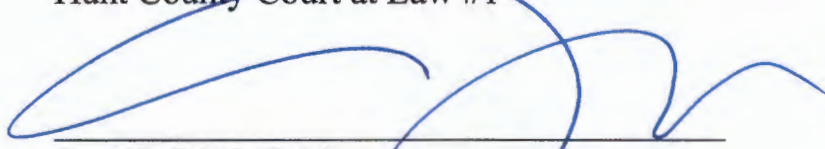
JUVENILE BOARD APPROVAL



Timothy S. Linden, Juvenile Board Chair  
Hunt County Court at Law #1

5/18/23

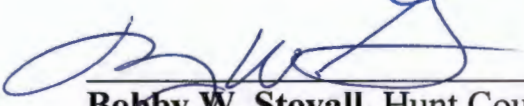
Date Signed



Joel D. Littlefield  
Hunt County Court at Law #2

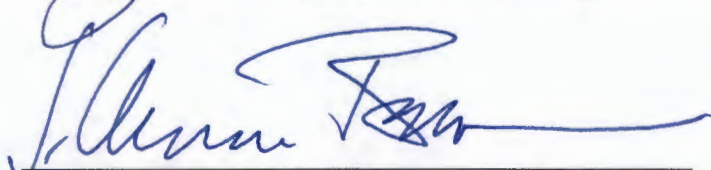
5/18/23

Date Signed



Bobby W. Stovall, Hunt County Judge

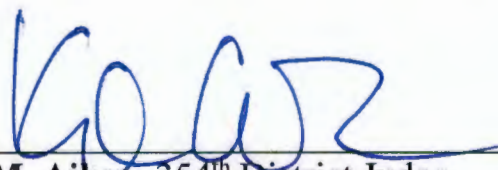
Date Signed



J. Andrew Bench, 196<sup>th</sup> District Judge

5/18/23

Date Signed



Keli M. Aiken, 354<sup>th</sup> District Judge

5/18/23

Date Signed