



TEXAS
**Department of Family
and Protective Services**

Child Protective Services

Juvenile Justice
Resource Guide

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Resource Guide

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides *does not substitute for policy*. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

Per [4222.2](#) Re-Allowing Placement:

Any time the caseworker becomes aware of detailed justification for changing the status of and considering placements in a foster family that has been placed on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions.
- develop strategies to address various issues.
- perform essential procedures.
- understand important processes.
- identify and apply best practices.

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

OVERVIEW

Youth under age 17, unless certified as an adult for criminal proceedings, will have delinquency and conduct in need of supervision issues handled by the juvenile justice system rather than the adult criminal justice system.

Class C Misdemeanors involving tickets and fines are typically handled by city or county municipal courts.

Refer to policy in [6820](#) CPS Youth and Municipal/County Courts and the Juvenile and Criminal Justice Systems.

CHARGES

A youth in DFPS conservatorship can become involved with the juvenile justice system and be charged with the following classification of offenses:

- Class C misdemeanor (offenses involving only a fine);
- Class A and B misdemeanor (offenses involving a fine and juvenile probation or juvenile confinement); or
- Felony (offenses involving a fine and juvenile probation or confinement).

When notified that a youth has been charged with an offense, **the caseworker shares such information with the attorney ad litem, guardian ad litem and CASA.**

Appointment of Criminal Defense Attorneys

According to Article [1.051](#) of the Texas Code of Criminal Procedure a defendant in a criminal matter is entitled to be represented by counsel. An indigent defendant is entitled to have an attorney appointed to represent him or her in any adversary proceeding that may result in punishment by confinement or in any other criminal proceeding if the court concludes that the interests of justice requires representation. This also applies to youth age 17 and older who have adult criminal charges pending, and youth who have been charged with juvenile offenses.

However, it does not apply to Class C Misdemeanor charges. Texas Family Code [51.101](#) requires the juvenile court, once a petition is filed, to determine whether a child's family is indigent. If a child's family is indigent, the juvenile court is required to appoint an attorney to represent the child. For juvenile cases this applies regardless of the level of offense (felony or misdemeanor). Some counties may have provisions for children in DFPS conservatorship that automatically consider the child to be indigent if he or she is in DFPS conservatorship. The county's juvenile board website may provide information about how foster care children are treated for indigence purposes.

If a criminal attorney has not been appointed for a foster care youth who is charged as a juvenile or as an adult, the caseworker contacts the Regional Attorney and the youth's representatives (attorney ad litem, guardian ad litem and CASA) so that an Application Requesting Appointment of Counsel or a petition to determine indigency can be filed with the appropriate court, if necessary. Each county will have their own policies and procedures concerning appointment of counsel.

If the youth commits a new offense after the adjudication or if the youth violates his or her probation terms, usually a new Request for Appointment of Counsel will need to be made or the court will appoint a new criminal attorney for the youth.

TICKETS AND FINES IN CITY/MUNICIPAL AND COUNTY COURTS

See policy in [6821](#) CPS Youth and Tickets and Fines Involving City/Municipal or County Courts.

Offenses resulting in tickets and fines are generally classified as Class C Misdemeanors. These typically involve traffic tickets, assaults or theft. Even though these may just result in a court hearing, fine or completion of training, these can be serious. This is because they can result in a warrant for the person's arrest if the fine is not paid or the training is not obtained, and can appear as an adult "conviction" on the person's history.

Circumstances

The circumstances under which a youth in DFPS conservatorship may receive a ticket and fine include the following:

- A behavior incident at school, such as an assault or theft.
- A behavior incident in placement, such as an assault or theft.
- A traffic fine.

Type of Tickets

CPS youth in conservatorship may at times receive a city/municipal or county ticket from law enforcement for behaviors or statute violations that don't involve arrest or detention but can involve the following:

- A notice or warning only regarding an infraction and what further such violations will involve.
- A notice of a court hearing within a certain period of time (10 to 30 days).
- A notice that such hearing could be resolved by admitting guilt and paying a fine or completing training that would still be shown on the record.

- A notice that such hearing could be dismissed from the record by paying a fine or completing training.

In county or municipal courts, which are typically fine-only cases, a child is not entitled to have a criminal defense attorney appointed.

For steps caseworkers take, see policy in [6821](#).

WORKING WITH JUVENILE JUSTICE AGENCIES

The youth's caseworker works cooperatively with law enforcement, juvenile justice officials, and the youth's caregiver to plan appropriately for the youth. However, the caseworker does not consent to law enforcement interviewing the youth. Only the criminal attorney can advise the youth to consent to law enforcement interviews. A youth who is placed in both DFPS conservatorship and the juvenile justice system needs coordinated and cooperative services from both systems.

Sharing Records

DFPS, the Texas Juvenile Justice Department (TJJD), and local Texas Juvenile Probation Departments (JPD) may share case records, under certain circumstances, as part of this cooperation. See [1455.7](#) Sharing Information with Texas State and Local Juvenile Justice Agencies.

For information on requesting records, see [How to Request Copies of Case Records](#), on the DFPS website.

DFPS requests to TJJD will work in a similar manner. Requests can be made on the [TJJD Web site](#). Requests on open cases will be routed to the assigned TJJD case manager. For closed cases, the requested document(s) will be provided.

For local JPD history, for now, DFPS staff will need to know the name of the local JPD and make contact to request the information.

CASEWORK ACTIVITIES

When a youth in DFPS conservatorship becomes involved with the juvenile justice system, DFPS does not relinquish conservatorship. The caseworker follows all of the same policies as outlined in sections [6000](#) Substitute Care Services and [4000](#) Placing Children in DFPS Conservatorship.

CIRCUMSTANCES

The circumstances under which a youth in DFPS conservatorship may become involved with the juvenile justice system include the following:

- A brief or extended detainment in a county juvenile detention center before an adjudication hearing on charges.
- A deferred adjudication situation under the supervision of the juvenile probation department, in which completing the program can result in charges being dismissed.
- Adjudication and placement in the custody or probation of a local or county juvenile probation department (JPD).
- Adjudication and placement in the custody or parole of the Texas Juvenile Justice Department (TJJD).

Related Situations

- Tickets and Fines, generally in city/municipal or county courts.
- Involvement with the Adult Criminal Justice System.

ISSUES AND QUESTIONS

Contact the CPS [regional juvenile justice liaisons](#) for assistance as needed. See the [Juvenile Justice](#) section of the DFPS Intranet.

PROCEDURES

Staff follows the procedures discussed in this Resource Guide

PRE-ADJUDICATION DETENTION

CPS youth can be detained in one of the state's local and county juvenile detention centers before an adjudication hearing.

When law enforcement authorities pick up youth for offenses or delinquent behavior, law enforcement can briefly place the youth in county juvenile detention centers, or detain them for longer periods of time until the adjudication court hearing on the offense or behavior can be held (this can take up to a month or two).

When prolonged detention takes place, there must be a hearing every 10 days to review whether the youth needs to remain in detention pending the court hearing. Sometimes a youth is released after detention and no charges are filed or the charges may be dropped. Sometimes the youth is released from detention before a court hearing but must return for the court hearing. See [6822.1 Pre-Adjudication Detention](#).

The caseworker must notify the regional juvenile detention center placement (JDCP) coordinator whenever a youth is placed in a juvenile detention facility unless the youth is detained and released on the same date. For the listing of coordinators, see the [Juvenile Justice Intranet Web site](#). When notified by the caseworker, the JDCP coordinator will then notify the State Office mailbox (DFPS FC-ADO Medicaid Exceptions), so that Medicaid can be suspended. Federal law prohibits the use of Medicaid funds when youth are in locked facilities (a facility designed to prevent the youth from leaving for reasons other than the youth's safety). When the youth is released or moved from the juvenile detention facility, the caseworker notifies the regional JDCP coordinator so they can end their recording.

If the youth is returning to the previous placement shown in IMPACT, the regional JDCP coordinator notifies the State Office mailbox (DFPS FC-ADO Medicaid Exceptions), so that Medicaid can be reinstated.

If the youth is going to other placements, the caseworker will be entering new placements in IMPACT. If the youth goes to a foster care or kinship placement, IMPACT sends a To-Do to the eligibility worker to reinstate eligibility.

DOCUMENTING IMPACT LIVING ARRANGEMENTS

See [6822.11](#) Documenting IMPACT Living Arrangements.

If the youth will be returning to the foster care provider after the detention center placement and CPS has agreed to continue making payments during the youth's absence to "hold the bed," staff should not enter the detention center placement in IMPACT.

Follow the policy for temporary absences in [1537](#) Foster Care Payments During Absences From Foster Care Placements.

IMPACT process if not returning to foster care provider:

If the youth will not be returning to the placement where they were living prior to the detention, or after 14 days according to Temporary Absence policy, the caseworker enters a new placement in IMPACT reflecting the juvenile detention placement. In this case, the IMPACT Placement Type will be Non FPS Paid, and a Living Arrangement of Other Juv Det (Other Juvenile Detention).

LEGAL STATUS AND LEGAL ACTION IN IMPACT

See [6822.12](#) Legal Status and Legal Action in IMPACT.

For pre-adjudication situations, there is no new entry for IMPACT's *Legal Status*. When CPS youth are placed in juvenile detention before or after an adjudication hearing, no *Legal Status* entry is made, as CPS continues to be the child's temporary or permanent managing conservator.

Under *Legal Action*, the only entry staff would make would be to record the 10-day detention hearings under *Legal Actions Special Orders: Other*, and explain in *Comments*.

There is no *Legal Action* for the term "JPC Involvement Starts" (IMPACT continues to use the term JPC rather than JPD) for 10-day detention hearings in the pre-adjudication situation. This term only applies if the youth is placed in JPD custody or probation as the result of an adjudication hearing. This term is currently CPS's only way to track, in IMPACT, the CPS youth who are placed in JPD custody or probation.

MEDICAL PAYMENT ISSUE FOR NON MEDICAID CPS YOUTH IN JPD PLACEMENTS

See [6822.13](#) Providing Medical Care.

CPS Youth in detention centers at times have medical needs that have to be addressed. These can include: obtaining prescription refills, obtaining replacement glasses, follow-up appointments on braces, etc.

For CPS youth staying overnight or longer, Medicaid is denied during this time. Alternatives to Medicaid must be sought.

For pre-adjudication situations, the local or county JPDs that run the juvenile detention centers have asked parents to pay for a child's medical expenses while the child is in detention awaiting trial. CPS is not able to use Medicaid funds in this locked facility situation. As specific problems develop, CPS staff should also consult with the [regional CPS Juvenile Justice liaisons](#) and [well-being specialists](#).

Options Available if Medicaid Has Ended

There are few options to cover medical and therapy bills when a CPS youth remains for long periods in local or county JPD secure facilities. Options include:

- working with the JPD to have the JPD place the youth in a JPD-contracted facility in which Medicaid could be used;
- asking the juvenile court judge to order the JPD to place the youth in a JPD-contracted facility in which Medicaid could be used, if the caseworker thinks this would be appropriate for the youth;
- asking the juvenile court or the CPS court to order one or both parents to pay the difference in the bills that his or her insurance won't cover, if the youth is still on the parent's insurance;
- inquiring whether the local Child Welfare Board can cover the expense; or
- asking the juvenile court to place the youth back in CPS placement and care responsibility.

JPD COURT RECOMMENDATIONS/COURT CONSIDERATIONS

When the county juvenile probation department receives the case, the respective department considers the merits of the case and makes a decision regarding further action, if any. The options available to the county juvenile probation department are:

- Refer the case to the District Attorney's Office. If the child goes to court, he or she may receive up to one year probation or be committed to the Texas Juvenile Justice Department (TJJD).

- If this is a first time Class A or B misdemeanor offense;
- the case may be dismissed;
- the child may be placed on "informal adjustment"; or
- the child may be referred for prosecution.

Informal adjudications follow the same rules and conditions as for probation; however, the child does not go to court. The time period is usually for three to six months, subject to extension. If the child breaks the conditions, or commits additional offenses, then she or he will go to court and may receive more probation time, or be placed in a juvenile justice facility.

- Class C misdemeanors are handled through municipal court, where a child may be fined for the offense.

The county juvenile probation department takes action based on applicable laws and the merits of the case. The system is individualized and many factors are taken into consideration, including:

- seriousness of the offense;
- the numbers and types of prior offenses (history);
- closeness (accessibility) of juvenile detention facilities; and
- the child's and family's circumstances.

ADJUDICATION AND PLACEMENT IN JPD CUSTODY OR ON JPD PROBATION

JPD Placements

When a juvenile court adjudicates a youth in CPS conservatorship to be delinquent for violating a Texas law and commits the youth to the custody (placement responsibility) of a local or county JPD, the youth is either placed in a:

- local and county juvenile detention center or some other secure facility; or
- JPD-contracted residential care.

JPD Probation

After a youth is adjudicated for violating a law or after the youth has completed placement in a secure facility, the youth may be released back to CPS for placement and placed on JPD probation.

A youth who is on JPD probation:

- is supervised monthly or more frequently by a local or county probation officer; and
- has terms of probation to complete over a specified period of time.

GENERAL PROCEDURES

See [6822.3](#) When a Youth Is in JPD Custody or on JPD Probation.

Custody (Placement Responsibility)

When a youth in DFPS conservatorship is adjudicated to be delinquent in a juvenile court for violating a Texas law and then subsequently is committed to the custody (placement/care responsibility) of the a local or county Juvenile Probation Department (JPD), the following occurs:

- The CPS caseworker contacts the [CPS regional juvenile justice liaison](#) to discuss appropriate procedures.
- The CPS case remains open. The caseworker does not recommend dismissal, unless the youth:
 - turns 18;
 - becomes adopted; or
 - has someone other than DFPS appointed as the permanent managing conservator.
- DFPS retains conservatorship and all of the standard responsibilities of conservatorship, including:
 - holding monthly face-to-face visits and making other contact with the youth;
 - ensuring that the youth receives appropriate services; and
 - developing a transition plan for the youth.

For more information, see DFPS Intranet: [CPS Youth in Juvenile Probation Programs](#).

DOCUMENTING IN IMPACT

Documenting a Youth's Placement in JPD Custody

If the local or county JPD has custody (placement responsibility), the CPS caseworker takes the following steps in IMPACT:

- Record the youth's JPD placement as a *Non FPS Paid Placement Type*.
- Select the proper resource in the IMPACT Resource Directory.
- Change the option *Living Arrangement* to *Other Juv Det*.
- Update the placement information, if the youth's JPD placement changes.

JPD Contracted Care

If a CPS youth is placed in a JPD contracted care placement and is IV-E eligible, see discussion under Appendix regarding the SUB C-JPC placements.

Documenting a Youth's Placement When Released on Probation

If a youth is released from JPD custody (placement responsibility) and placed on JPD probation, DFPS resumes responsibility for placement and care but continues to work with the assigned probation officer.

In IMPACT, the youth's CPS caseworker records the youth's placement in a suitable living arrangement, using whatever *Placement Type* and *Living Arrangement* fits the situation.

Documenting Legal Actions

When a youth is adjudicated and placed in the custody of a local or county JPD as the result of a juvenile court proceeding, the caseworker documents the court action in IMPACT.

Under *Legal Action*, the caseworker enters the following:

- Action for Special Orders.
- Sub-type for JPC Involvement Starts.
- Date of the hearing in the Date field.
- Court number and county (for the juvenile court issuing the order) in the Comments box.

Note: IMPACT continues to use the term JPC rather than JPD.

Documenting the End of Juvenile Probation Involvement in IMPACT

When a youth is no longer in JPD custody or on probation, the youth's caseworker takes the following steps in IMPACT:

Under *Legal Action*, the caseworker enters the following:

- Action for Special Orders.
- Sub-type for JPC Involvement Ends.
- Date that the youth's involvement with JPC ends.

This currently is the only way to track youth in IMPACT who are adjudicated and placed in JPD facilities or released on JPD probation.

PROVIDING MEDICAL CARE TO ADJUDICATED YOUTH IN JPD CUSTODY

See [6822.31](#) Providing Medical Care to Youth Adjudicated to JPD Custody or Probation.

JPD Custody

If a youth in CPS conservatorship is placed in the custody of a local or county JPD, the county is responsible for providing the youth's medical and dental care. However, some counties limit such responsibility to annual exams or an emergency situation.

If the youth is placed in a secure juvenile probation institution that is used primarily to detain delinquent youth (a facility designed to prevent the youth from leaving for reasons other than the youth's safety), the youth's eligibility worker must ensure that the youth's foster care assistance and Medicaid are suspended. If there are medical needs that the local or county JPD state they will not cover, see section below on Options Available if Medicaid has Ended.

If the local or county JPD later places the youth in a JPD contracted placement facility that is not used primarily to detain delinquent youth, the JPD contracts with the facility to provide for the youth's medical needs by applying for Medicaid (standard Medicaid, not Medicaid provided through Star Health).

JPD Probation

When a youth is placed on probation, CPS resumes responsibility for placing the youth in a suitable living arrangement and Medicaid coverage resumes.

Serving as Medical Consenter

See [6822.32](#) Serving as Medical Consenter.

Options Available if Medicaid Has Ended

There are few options to cover medical and therapy bills when a CPS youth remains for long periods in local or county JPD secure facilities. Options include:

- working with the JPD to have the JPD place the youth in a JPD-contracted facility in which Medicaid could be used;
- asking the juvenile court judge to order the JPD to place the youth in a JPD-contracted facility in which Medicaid could be used, if the caseworker thinks this would be appropriate for the youth;
- asking the juvenile court or the CPS court to order one or both parents to pay the difference in the bills that his or her insurance won't cover, if the youth is still on the parent's insurance;
- inquiring whether the local Child Welfare Board can cover the expense; or asking the juvenile court to place the youth back in CPS placement and care responsibility.

COORDINATED SERVICE PLANNING

See [6822.4](#) Coordinated Service Planning and its sub-items.

The caseworker discusses service planning and transition planning issues with the JPD worker and invites the JPD worker to participate in staffing (consultations) as appropriate. The caseworker asks to be included in/ invited to JPD service planning efforts/staffing (consultations). Joint home visits and parent/child visits might be appropriate in some situations. Service plans developed by both agencies should be consistent when possible.

PROVIDING OTHER CASEWORK SERVICES

Monthly Face-to-Face Visits

Monthly face-to-face visits are still required when youth in DFPS conservatorship are placed in JPD custody or probation.

Placement Outside of Region

If a youth in JPD custody is placed in a facility that is out of the DFPS region where the youth lives, the youth's caseworker follows the policy in [6412](#) Responsibility for Contact Across Regional Lines.

Probation

In most cases, if a youth in DFPS conservatorship is placed on probation, CPS is able to provide face-to-face meetings with the youth because CPS has made the placement.

The worker may also request visits by a *Local Permanency Specialist*, if needed.

The worker continues to coordinate service planning with the assigned probation worker.

Permanency Hearings

[Chapter 263](#) of the Texas Family Code (TFC) and 8.3C.2C [Title IV-E](#) of the Social Security Act (SSA) require the court to hold periodic hearings to review the status of each youth in substitute care in the court's jurisdiction.

See [5530](#) Permanency Hearings for Children Under Temporary DFPS Conservatorship and [6823.4](#) Permanency Hearings.

When the Juvenile Court Differs From the Family or CVS Court

If the juvenile court responsible for adjudicating the youth and placing the youth in JPD custody or on probation is not the court responsible for the youth's placement in DFPS conservatorship (CVS), the juvenile court is allowed to communicate before the dispositional hearing with the court that has continuing jurisdiction over the youth.

The juvenile court may allow DFPS and the other parties to the suit affecting the parent-child relationship to participate in the communication.

Continuation or Appointment of Attorneys or Guardians Ad Litem

When a youth in DFPS conservatorship is placed in JPD custody or on probation and the court has not continued the appointment of the youth's attorney or guardian ad litem, the conservatorship court has the option of appointing an attorney or guardian ad litem for the youth.

Education Issues

If there are issues or concerns regarding the educational needs of a DFPS youth in JPD custody or on probation, the youth's caseworker contacts the education specialist in the caseworker's DFPS region for assistance.

Preparation for Adult Living (PAL)

A youth in DFPS conservatorship who is in JPD custody or on probation is eligible to participate in activities related to Preparation for Adult Living (PAL), Transitional Living, and Circles of Support, although the extent to which the youth participates may be restricted due to his or her restrictions in the JPD facilities.

See:

[8280](#) Preparation for Adult Living (PAL) Services

[10240](#) PAL Transitional Living Allowance (TLA)

[1121.23](#) Circle of Support (COS)

Transition Plan Required

A youth in DFPS conservatorship who is 14 years of age while in JPD custody or on probation must have a youth-driven Transition Plan. See [6252](#) Permanency Planning Meetings for Youth 14 and Over.

Extended Foster Care, Extended Court Oversight, and Return to Care

A youth in DFPS conservatorship who turns 18 years of age in JPD custody or while on probation is eligible to request to:

- extend foster care (before aging out of care);
- extend the court's jurisdiction; or
- return to foster care (after aging out of care).

See [10500](#) Trial Independence and Return for Extended Foster Care.

ADDRESSING OTHER JUVENILE PROBATION-RELATED ISSUES

If there are other problems or issues related to a youth's placement in JPD custody or on probation, the youth's caseworker contacts the CPS [regional Juvenile Justice liaison](#) for assistance.

ADJUDICATING AND COMMITTING YOUTH TO TJJD**Committing Youth to the TJJD**

After a youth is adjudicated for violating a law, the youth may be committed to TJJD; this can involve:

- placement in the custody of the TJJD and assignment to the TJJD Reception Center; or
- release from detention and placement on TJJD parole or placement on probation.

TJJD Custody

TJJD custody involves placement in:

- a TJJD reception center;
- a TJJD institution;
- a TJJD halfway house; or
- TJJD-contracted residential care.

TJJD Parole

A youth who is under TJJD parole is supervised by a TJJD parole officer in a TJJD district office in one of the four TJJD regions; in a placement agreeable to TJJD. For CPS youth, this would involve CPS resuming responsibility for placing the youth in a supportive living arrangement.

Additional information about TJJD and its programs and facilities can be found on the TJJD web site: <http://www.tjtd.texas.gov>.

See [6830](#) When a Youth is in TJJD Custody in a Secure Facility or on TJJD Parole.

GENERAL PROCEDURES

See [6823](#) When a Youth is in TJJD Custody in a Secure Facility or on TJJD Parole, and [6823.1](#) General Procedures When Youth Are Committed to the TJJD Secure Facility Program.

See also:

When CPS youth are adjudicated and placed in the custody of TJJD, DFPS continues to have managing conservatorship. As the youth's managing conservator, CPS is granted the parental rights identified in the TJJD [PARENTAL RIGHTS AND RESPONSIBILITIES](#)

(<http://www.tjjd.texas.gov/publications/forms/2005/TJPCAGE0105.pdf>)

For the description of procedures developed by DFPS with TJJD, see: [TJJD CPS Procedures](#).

For the listing of TJJD programs and facilities, see: [TJJD Programs and Facilities](#).

For additional information, see the DFPS Intranet: [CPS Youth in TJJD Placements](#).

Documenting in IMPACT Actions Related to Youth Committed to TJJD

Documenting a Youth's Placement in TJJD Custody

If a youth is committed to TJJD custody, the CPS caseworker takes the following steps in the IMPACT system:

- Record the youth's TJJD placement as a *Non FPS Paid Placement Type*.
- Select the proper resource in the IMPACT Resource Directory.
- Change the option *Living Arrangement* to *TYC Facility*.
- Update the placement information, if the youth's TJJD placement changes.

Using a TJJD contracted facility if IV-E payments involved

If a CPS youth is placed in a TJJD contracted care placement and is IV-E eligible, see discussion under Appendix regarding the SUB C-TYC placements.

Documenting a Youth's Placement When Released on TJJD Parole

If a youth is released from TJJD custody and placed on TJJD parole, DFPS resumes responsibility for the youth's placement in a suitable living arrangement but continues to work with the assigned TJJD parole officer in one of the four TJJD regions on issues pertaining to the youth's parole.

In IMPACT, the youth's CPS caseworker records the youth's placement in a suitable living arrangement, using whatever *Placement Type* and *Living Arrangement* fits the situation.

Documenting Legal Actions

When a youth is adjudicated and placed in TJJD custody as the result of a juvenile court proceeding, the caseworker documents the court action in IMPACT.

The caseworker enters:

- the sub-type as Legal Action Special Orders;
- the date of the legal action in the field TYC Involvement Starts; and
- the court number and county (for the juvenile court issuing the order) in the Comments Box.

Documenting the End of TJJD involvement in IMPACT

When a youth is no longer in TJJD custody or on TJJD parole, the youth's caseworker takes the following steps in IMPACT:

- Enter the sub-type as Legal Action Special Order Sub-Type.
- Select TYC Involvement Ends.
- Enter the date that the youth's involvement with TJJD ends.

PROVIDING MEDICAL CARE TO YOUTH IN TJJD CUSTODY OR ON TJJD PAROLE

Follow the policies described in [6823.2](#) Providing Medical Care to Youth in TJJD Custody or on TJJD Parole.

TJJD provides medical services through its contract with UTMB. Medical questions that can't be resolved with the TJJD worker can be routed to the CPS regional Well-Being specialist or the Juvenile Justice Liaison for follow-up with the TJJD nursing staff.

Serving as Medical Consenter

Follow the same policies described in serving as a Medical Consenter as noted in:

[6823.2](#) Providing Medical Care to Youth in TJJD Custody or on TJJD Parole

OPTIONS AVAILABLE IF MEDICAID HAS ENDED

There are few options to cover medical and therapy bills when a CPS youth remains for long periods in TJJD secure facilities. Options include:

- working with TJJD to have the TJJD place the youth in a JPD-contracted facility in which Medicaid could be used;

- asking the juvenile court judge to order the TJJD to place the youth in a TJJD-contracted facility in which Medicaid could be used, if the caseworker thinks this would be appropriate for the youth;
- asking the juvenile court or the CPS court to order one or both parents to pay the difference in the bills that his or her insurance won't cover, if the youth is still on the parent's insurance;
- inquiring whether the local Child Welfare Board can cover the expense; or
- asking the juvenile court to place the youth back in CPS placement and care responsibility.

Most likely the caseworker will need to arrange for an RTC placement for the youth, as few homes will want to accept the youth under these circumstances.

COORDINATED SERVICE PLANNING

See [6823.3](#) Coordinated Service Planning

The caseworker discusses service planning and transition planning issues with the TJJD worker and invites the TJJD worker to participate in staffing (consultations) as appropriate. The caseworker asks to be included in/ invited to TJJD service planning efforts/staffing (consultations). Joint home visits and parent/child visits might be appropriate in some situations. Service plans developed by both agencies should be consistent when possible.

PROVIDING OTHER CASEWORK SERVICES TO YOUTH IN TJJD CUSTODY OR ON TJJD PAROLE

Monthly Face-to-Face Visits

Monthly face-to-face visits are still required when youth in DFPS conservatorship are placed in JPD custody or probation.

Placement Outside of Region

If a youth in TJJD custody is placed in a facility that is out of the DFPS region where the youth lives, the youth's caseworker follows the policy in [6412](#) Responsibility for Contact Across Regional Lines.

Permanency Hearings

See [6823.4](#) Permanency Hearings.

[Chapter 263](#) of the Texas Family Code (TFC) and [Title IV-B](#) of the Social Security Act (SSA) require the court to hold periodic hearings to review the legal status of each youth in substitute care in the court's jurisdiction.

For youth in TJJD custody in a TJJD secure facility, halfway house or contracted placement, a report is required for the CPS review hearing.

See [5530](#) Permanency Hearings for Children Under Temporary DFPS Conservatorship.

Thirty Days Before a Hearing

Thirty days before a youth's permanency hearing or placement review hearing, the CPS caseworker sends [Form 2904](#) TJJD Court Review Hearing Notification to the following:

- The TJJD caseworker.
- The appropriate TJJD administrator (the superintendent in the case of a TJJD institution or halfway house, a quality assurance administrator in the case of a TJJD contracted placement, and a parole supervisor or administrator in the case of TJJD Parole). See [CPS Youth in TJJD Secure Facilities](#).
- The TJJD state office liaison.
- The [CPS regional Juvenile Justice liaison](#).

The CPS caseworker confirms by e-mail or phone that the TJJD caseworker has received the notice. If the caseworker is unable to confirm receipt with the TJJD caseworker, the caseworker confirms with the TJJD superintendent, QA administrator, or TJJD parole supervisor

Fifteen Days Before a Hearing

Fifteen days before the court hearing, the TJJD caseworker sends the following TJJD records to the CPS caseworker, the CPS supervisor, and the regional TJJD liaison for use in preparing the CPS court report:

- A cover letter, signed by the TJJD caseworker.
- [Form 2904](#) TJJD Court Review Hearing Notification.
- The TJJD overview report for the Positive Achievement Change Tool (PACT).
- The TJJD monthly report on the youth's Individual Case Plan The TJJD report must include:
 - assessments made of the youth during the youth's commitment to the TJJD, including an assessment of the youth's needs (emotional, mental health, educational, psychological, psychiatric, medical, or physical), when applicable;
 - information on the youth's placement, particularly programs administered by the TJJD; and

- a description of the youth's progress as a participant in programs administered by the TJJD.

The youth's CPS caseworker:

- reviews the TJJD report and any other information obtained about the youth since the last court review;
- completes the DFPS court report by including:
 - an evaluation indicating whether the youth's needs for treatment and education are being met,
 - a description (based on information provided by the TJJD) of the youth's progress in any rehabilitation program administered by TJJD, and
 - a recommendation for other plans or services to meet the youth's needs; and
- sends the DFPS report (not the TJJD records) to the required parties in the case 10 days before the court hearing. See Texas Family Code [§263.303\(a\)](#), [§263.502\(a\)](#).

Continuation or Appointment of Attorneys or Guardians Ad Litem

When a youth in DFPS conservatorship is placed in JPD custody or on probation and the court has not continued the appointment of the youth's attorney or guardian ad litem, the conservatorship court has the option of appointing an attorney or guardian ad litem for the youth.

Education Issues

If there are issues or concerns regarding the educational needs of a DFPS youth in TJJD custody or on TJJD parole, the youth's caseworker contacts the education specialist in the caseworker's DFPS region for assistance.

Preparation for Adult Living (PAL)

A youth in DFPS conservatorship who is in TJJD custody or on TJJD parole is eligible to participate in activities related to Preparation for Adult Living (PAL), Transitional Living, and Circles of Support, although the extent to which the youth participates may be restricted due to his or her involvement with the TJJD.

See:

[8280](#) Preparation for Adult Living (PAL) Services

[10110](#) Overview of Transitional Living Services

[1121.23](#) Circle of Support (COS)

Transition Plan Required

A youth in DFPS conservatorship who is 14 years of age while in TJJD custody or on TJJD parole must have a youth-driven Transition Plan. See [6252](#) Permanency Planning Meetings for Youth 14 and Over.

If there are other problems or issues related to a youth's placement in TJJD custody or on TJJD parole, the youth's caseworker contacts the CPS [regional Juvenile Justice liaison](#) for assistance.

Extended Foster Care, Extended Court Oversight, and Return to Care

A youth in DFPS conservatorship who turns 18 years of age in JPD custody or while on probation is eligible to request to:

- extend foster care (before aging out of care);
- extend the court's jurisdiction; or
- return to foster care (after aging out of care).

See [10500](#) Trial Independence and Return for Extended Foster Care.

AGREEMENT WITH TJJD

As noted in the [TJJD CPS Procedures](#) developed by DFPS with TJJD:

Referrals from TJJD to Statewide Intake about Non-CPS Youth

Rather than waiting until the day a non-CPS youth is ready for discharge from TJJD to make a referral to DFPS, TJJD will contact DFPS Statewide Intake no later than 90 days before a planned release to request a case related special request for services, if appropriate. Such situations may include that the TJJD youth will not be able to return home or to the situation she or he was in before TJJD custody, the person with parental or legal responsibility cannot be reached or refuses to cooperate, etc.

If appropriate, DFPS Statewide Intake opens a Case Related Special Request and routes it to the field, with a notation for the investigator to contact the regional CPS Juvenile Justice Liaison.

Upon assignment, the CPS caseworker contacts the regional CPS Juvenile Justice Liaison for procedures and issues to evaluate in processing the referral. Some brief services may be all that is needed. Seeking DFPS conservatorship should only be pursued as a last resort and only if statutory authority exists for this. TJJD has its own procedures and obligations when it comes to hard-to-place youth exiting their custody. The regional CPS Juvenile Justice Liaison will consult with the investigation program administrator as needed.

Sealing Juvenile Records for Minor Offenses

Sealing Juvenile Records for Minor Offenses

See policy in [6825](#)

Automatic Sealing of Juvenile Records

Delinquent Conduct

If the following criteria is met the juvenile record is automatically sealed:

- (1) the individual is at least 19 years of age;
- (2) has not been adjudicated as having engaged in delinquent conduct or, if adjudicated for delinquent conduct, was not adjudicated for delinquent conduct violating a penal law of the grade of felony;
- (3) does not have any pending delinquent conduct matters;
- (4) has not been transferred by a juvenile court to a criminal court for prosecution under Section 54.02;
- (5) has not as an adult been convicted of a felony or a misdemeanor punishable by confinement in jail; and
- (6) does not have any pending charges as an adult for a felony or a misdemeanor punishable by confinement in jail.

Texas Family Code §58.253

Conduct in Need of Supervision

If the following criteria is met the juvenile record is automatically sealed:

- (1) the individual is at least 18 years of age;
- (2) has not been referred to the juvenile probation department for delinquent conduct;
- (3) has not as an adult been convicted of a felony; and
- (4) does not have any pending charges as an adult for a felony or a misdemeanor punishable by confinement in jail.

Texas Family Code §58.255

Application for Sealing of Records

If the following criteria is met, an application can be made to the court to file an application to seal juvenile records:

- (1) the individual is at least 18 years of age, or is younger than 18 years of age, and at least two years have elapsed after the date of final discharge in each matter for which the person was referred to the juvenile probation department;
- (2) does not have any delinquent conduct matters pending with any juvenile probation department or juvenile court;
- (3) was not transferred by a juvenile court to a criminal court for prosecution under Section 54.02;
- (4) has not as an adult been convicted of a felony; and
- (5) does not have any pending charges as an adult for a felony or a misdemeanor punishable by confinement in jail.

However, a court may not order the sealing of the records of a person who:

- (1) received a determinate sentence for engaging in:
 - delinquent conduct that violated a penal law listed under Section 53.045; or
 - habitual felony conduct as described by Section 51.031; OR
- (2) is currently required to register as a sex offender under Chapter 62, Code of Criminal Procedure; OR
- (3) was committed to the Texas Juvenile Justice Department or to a post-adjudication secure correctional facility under Section 54.04011, unless the person has been discharged from the agency to which the person was committed.

Once an application is filed, the court may order the records sealed at that time or the court may hold a hearing regarding whether or not the records should be sealed.

Texas Family Code § 58.256.

CONTACTS AND WEB SITES

CPS [regional Juvenile Justice liaisons](#)

Intranet: http://intranet/CPS/Well-Being/Juvenile_Justice/default.asp

APPENDIX

TJJD or JPD CONTRACTED PLACEMENTS THAT ARE IV-E ELIGIBLE

SUB C-TYC and SUB C-JPC Stages

In certain situations, youth may enter into the TJJD (formerly TYC or JPC) Title IV-E foster care program that serves both youth in the Department's conservatorship and youth not in the Department's conservatorship. This is a program that allows DFPS, as the state's Title IV-E agency, to pass-through federal funding to pay foster care and administrative costs to the juvenile justice agencies (TJJD and the local/county JPDs). DFPS has agreements with TJJD to provide this pass-through funding and is involved with the eligibility determination and reimbursement claiming for these youth. This requires DFPS to have an active foster care case (IMPACT: SUB TYC stage for TJJD youth or SUB JPC stage for local/county JPD youth), which is maintained by TJJD CPS state office eligibility specialists. The TJJD and local/county JPD youth who are deemed Title IV-E eligible are not eligible for STAR Health Medicaid.

Process

In order to allow the CPS youth to have both an open CPS foster care case (SUB REG stage) and an open TJJD/JPD foster care case (SUB TYC or SUB JPC stage) in IMPACT, the youth will now have a unique DFPS Person ID number in each sub stage. This will allow both the CPS CVS worker and the TJJD state office eligibility specialist, to enter necessary items in their respective cases.

This process will require an increased coordination between the CPS CVS worker, the assigned regional eligibility specialist, and the TJJD state office eligibility specialist, in order to maintain the integrity of these cases and to ensure duplicate foster care payments and Medicaid cases do not occur.

Below is an outline of how this process will work:

1. Prior to entry into the TJJD/JPD Title IV-E program, these youth may initially be placed in a TJJD or JPD detention facility or other secure setting. See Pre-adjudication Detention Section of this resource guide.
2. If the youth is later placed into a “non-secured” setting, TJJD may forward to the TJJD CPS state office eligibility specialist an application to determine if their client meets the Title IV-E eligibility requirements.
3. The TJJD CPS state office eligibility specialist will determine if the youth has an active CPS foster care case.
4. If the youth has an active CPS case, the TJJD state office eligibility specialist will email the CPS CVS worker and the CPS regional eligibility specialist and request that:
 - A. **The CPS CVS worker ensure that the youth’s placement is recorded as “Non-FPS Paid” and**
 - B. **The CPS regional eligibility specialist ends the youth’s eligibility in IMPACT, if not previously done.**
5. The CPS CVS worker continues to update their SUB REG case.
6. The CPS regional eligibility specialist **should not** record any foster care eligibility events while the youth remains under TJJD or local/county JPD custody.
7. The TJJD state office eligibility specialist **must verify** through IMPACT that the CPS regional eligibility specialist has ended the eligibility in IMPACT and then can proceed with their case. The youth will be assigned a second DFPS Person ID number, which then will be used to complete the TJJD or local/county JPD Title IV-E certification.
8. When the youth is discharged from the TJJD or local/county JPD Title IV-E program or TJJD or local/county JPD custody, various TJJD or JPD casework or administrative staff may first contact either the CPS CVS worker or the TJJD state office eligibility specialist.
 - If the CPS CVS worker is notified first (generally by staffing (consulting)), phone or email from TJJD/JPD casework staff), the CPS CVS worker will record the new

placement situation in IMPACT in the SUB REG stage. This will trigger a notification to the CPS regional eligibility specialist. The CPS regional eligibility specialist will then notify the TJJD state office eligibility specialist that the CPS CVS worker received notification that the youth had left the TJJD or local/county JPD Title IV-E program or TJJD or local/county JPD custody. The TJJD state office eligibility specialist confirms this with TJJD and then ends the youth's eligibility and closes the C-TYC or C-JPC stage in IMPACT. The CPS regional eligibility specialist should not enter the child's eligibility in IMPACT until they have received confirmation that the TYC/JPC eligibility segment has been ended.

- If the TJJD CPS state office eligibility specialist is notified first by TJJD/JPD administrative staff, they will end the youth's case events and close out the child's SUB TYC or SUB JPC stage. They will then contact the CPS CVS worker and CPS regional eligibility specialist and provide the discharge information. This will prompt the CPS CVS worker to record the youth's CPS placement on the date of the placement and to allow DFPS payment, if applicable. The CPS regional eligibility specialist must verify that the youth's eligibility in the SUB TYC or SUB JPC stage was ended in IMPACT and then reinstate the youth's eligibility in IMPACT.

These procedures involve both eligibility issues and conservatorship issues. Questions should be directed to the state office eligibility specialists or juvenile justice liaison.