

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 343. SECURE JUVENILE PRE-ADJUDICATION DETENTION AND POST-ADJUDICATION CORRECTIONAL FACILITIES

SUBCHAPTER B. PRE-ADJUDICATION AND POST-ADJUDICATION SECURE FACILITY STANDARDS

37 TAC §343.261

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §343.261, Resident Supervision, with changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 273). The rule will be republished.

SUMMARY OF CHANGES

Amendments to §343.261 will: (1) provide that, when supervision of juveniles is performed through an architectural barrier, such as a door or window, staff must be able to clearly see the juvenile without having to remove or relocate anything that might be on, covering, or blocking the observation window; (2) explain that facilities must have a policy prohibiting staff or residents from using any covering that prevents staff's ability to clearly see the resident without having to remove or relocate anything that might be on, covering, or blocking the observation window; (3) require that the facility policy address the actions to be taken if the policy is violated; (4) provide that refusal to remove an item blocking a window is considered a serious threat to the safety and/or security of the facility; and (5) clarify that nothing in this section requires continuous, uninterrupted visual supervision or constant visual supervision in instances in which such is not required by another section.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The amended section is adopted under §221.002, Human Resources Code, requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

§343.261. Resident Supervision.

(a) When supervision under this chapter is performed through an architectural barrier (e.g., door, window), staff must have the ability to clearly see the resident without having to remove or relocate anything that might be on, covering, or blocking the observation window, regardless of how frequently visual observation recordings are required.

(b) Facility policy must prohibit staff and residents from using any covering that prevents staff's ability to clearly see the resident without having to remove or relocate anything that might be on, covering, or blocking the observation window. Facility policy must address the actions to be taken if the prohibition is violated.

(c) The refusal by staff or a resident to remove an item that prevents staff's ability to clearly see the resident is considered a serious threat to facility safety and/or security.

(d) Nothing in this section requires continuous, uninterrupted visual supervision or constant visual supervision in instances in which such supervision is not required by another section.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on April 3, 2025.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278

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