

MEMORANDUM OF UNDERSTANDING
TJJD CONTRACT NO. CON0001301

This Memorandum of Understanding (MOU) is entered between the Texas Department of Family and Protective Services (DFPS) and the Texas Juvenile Justice Department (TJJD), pursuant to Texas Human Resources Code §40.064, 40 TAC §700.203, Interagency Cooperation Act, Texas Government Code Chapter 771, and Texas Human Resources Code §244.0106 and §244.003. DFPS and TJJD are collectively referred to in this MOU as the "Parties" and individually as a "Party".

I. Purpose

- (a) To ensure there is coordination between the parties to provide the youth services, placements, reentry planning, and general care of the youth when youth are in the conservatorship of DFPS and in the custody or otherwise under TJJD's jurisdiction;
- (b) To outline procedures when TJJD contacts DFPS concerning a youth in TJJD's custody who is not in DFPS's conservatorship; and
- (c) Coordination on statutory reporting required by the Texas Legislature.

II. Term

This MOU starts on February 1, 2021 and ends on January 31, 2026.

- (a) **Annual Review.** The Parties agree to review this MOU annually and provide written notice to the Other Party if one Party determines a change to the MOU is needed.
- (b) **Termination.** Either party may terminate this MOU by providing 60 days written notice of termination to the other party.

III. Amendments

Any change to this MOU must be in writing and agreed upon by both parties.

IV. Youth in DFPS conservatorship and in TJJD custody or under TJJD's jurisdiction

DFPS Data Sharing:

- (a) Participate in a data match with TJJD, as described in Attachment A. The Parties may agree to modify Attachment A by written approval of the attachment, without a re-execution of the entire MOU.
- (b) Once a data match is confirmed, DFPS will provide TJJD the name and contact information for the youth's:
 - (1) DFPS caseworker and supervisor;
 - (2) Attorney ad litem, guardian, or CASA advocate; and

- (3) Medical consentor.
- (c) Upon TJJD's request, DFPS will share information with TJJD staff necessary to ensure the coordination of the youth's services, as provided by Texas Family Code §58.0052.

TJJD Data Sharing:

- (a) Participate in a data match with DFPS, as described in Attachment A. The Parties may agree to modify Attachment A by approval of the attachment, in writing, without a re-execution of the entire MOU.
- (b) Once a data match is confirmed, TJJD will provide DFPS with:
 - (1) The location of the youth; and
 - (2) The name and contact information for the youth's case manager.
- (c) Upon DFPS' request, TJJD will share information with DFPS staff necessary to ensure the coordination of the youth's services, as provided by Texas Family Code §58.0052.

DFPS Coordination of Services for Youth in DFPS Conservatorship:

- (a) Communicate with the youth's TJJD case manager at least once each month, or more if necessary, to discuss the youth's general welfare and any issues relating to the youth;
- (b) Notify TJJD of the date, time, and location of any scheduled permanency hearings or placement review hearings conducted under Chapter 263 of the Family Code, at least 20 calendar days, when possible, before the hearing, and at least 72 hours in advance of any other legal proceeding(s) involving a youth committed to TJJD;
- (c) The DFPS caseworker and supervisor will be invited and make all reasonable efforts to participate in a quarterly staffing with the TJJD liaison;
- (d) Invite TJJD liaison to participate in placement staffings;
- (e) Coordinate with TJJD in the development of the youth's service plan, including development of transitional activities such as Preparation for Adult Living (PAL) program services while in TJJD placement, as well as inform youth who will transition to adulthood while in a TJJD placement of the benefits they may be entitled to, including the Education and Training Voucher Program, and the Texas Tuition and Fee Waiver program;
- (f) The CPS caseworker will participate with TJJD in any case planning while in a secure setting, or transition planning for the youth's transition to a home or non-secure placement and parole case planning, including the setting of the conditions of parole and after-care services;

- (g) Participate in medical appointments for the youth in person, in writing, or by telephone when DFPS is the youth's medical consentor;
- (h) Attend any TJJD hearings, to the extent practicable;
- (i) Notify TJJD within 72 hours of any change in placement made by DFPS or ordered by the family law court for a youth who is on parole or supervision with TJJD;
- (j) Notify TJJD within 24 hours of learning a youth under TJJD supervision or on parole with TJJD has run away from a DFPS placement;
- (k) Notify TJJD of any special education issues or meetings, including a scheduled Admissions, Review or Dismissal meeting or §504 Rehabilitation Act meeting for youth under TJJD supervision or parole;
- (l) Notify the TJJD caseworker within seven business days when the youth has been adopted or when any transfer of managing conservatorship from DFPS to an individual occurs, if the youth is still on parole or supervision with TJJD.
- (m) The DFPS State Office placement division will provide at least weekly updates to the TJJD liaison on the placement planning status for youth pending release or discharge from TJJD;
- (n) When reasonably possible, notify TJJD of any changes to the youth's DFPS caseworker and casework supervisor within three business days of the change.

TJJD Coordination of Services for Youth in DFPS Conservatorship:

- (a) When reasonably possible, notify DFPS of any changes to the youth's TJJD case manager and case manager supervisor within three business days of the change.
- (b) Communicate with the youth's caseworker at least once a month, or more if necessary, to discuss the youth's progress and any special issues relating to the youth;
- (c) The TJJD liaison case manager will participate and coordinate for TJJD staff to participate in a quarterly staffing with the CPS caseworker and the CPS supervisor;
- (d) The TJJD case manager liaison will participate in staffings with CPS;
- (e) Whenever possible, notify the youth's DFPS caseworker at least 72 hours in advance of any legal proceeding(s) involving the youth. Otherwise, at least according to TJJD's administrative rules for providing notice of hearings to parents;
- (f) Coordinate with the DFPS caseworker on the development of any youth's case plan, including transition plans;
- (g) Ensure medical contractors notify the youth's medical consentor with advance notice of all routine or non-routine medical appointments;
- (h) Ensure medical contractors contact the medical consentor to obtain any required consent for non-routine medical care;
- (i) Arrange for the youth to attend a hearing in person, by telephone, or by videoconference, when notified of a permanency or other hearing conducted under

Chapter 263 of the Family Code, unless the youth's attendance has been excused by the family court;

- (j) To the extent practicable, attend any permanency or other hearing conducted under Chapter 263 of the Texas Family Code;
- (k) Notify the CPS caseworker of any change in placement, including the name of the new facility within 24 hours after the transfer;
- (l) Notify DFPS within 24 hours of learning a youth has escaped, absconded, or runaway from a TJJD placement;
- (m) Permit the youth's CPS caseworker to communicate with the youth, including in-person visits at least once each month and more often if needed;
- (n) Discuss any desired terms of parole, including which party is required to pay for such items or services prior the court approving such terms;
- (o) At least 90 days prior to the youth's minimum length of stay (MLOS), provide the DFPS caseworker the status of the youth's release or discharge and the youth's most recent case plan or transition plan;
- (p) To the extent reasonably possible notify the DFPS caseworker of the expected date of release or discharge from TJJD at least 90 days prior to, the youth's release or discharge from TJJD, otherwise as soon as practicable;
- (q) At least 60 days prior to release or discharge, if practicable, provide DFPS the following documents:
 - (1) Anticipated release date;
 - (2) Youth's birth certification or verification, if available;
 - (3) Youth's current case plan/transition plan;
 - (4) Current medical information, including current treatment needs;
 - (5) Current school records, including education plans;
 - (6) Current sex offender risk assessment if the youth was adjudicated for a sexual offense;
 - (7) Most recent risk assessments;
 - (8) Conditions of parole prior to DFPS initiating a placement search; and
- (r) Notify the CPS caseworker, the CPS Supervisor, and the CPS TJJD liaison at least within 24 hours of learning that a youth's anticipated discharge/release date has changed.

V. When TJJD Requests CPS Assistance for a Youth Not in DFPS Conservatorship (Non-CPS Youth)

TJJD Activities:

- (a) If TJJD has exercised due diligence in trying to locate a safe home for the youth but a safe home cannot be located, TJJD will within 90 days of the youth's planned release; or as soon as practicable after the release date is determined; or as soon as practicable when the youth's planned discharged placement breaks down after the

90 days, submit Form K-908-1908, TJJD Request for DFPS Assistance for a Child in TJJD Custody with a Pending Release, to the DFPS State Office TJJD Liaison (dfpstjld@dfps.state.tx.us).

- (b) All requests must be made through designated TJJD State Office, who screens the information to ensure it is an appropriate request for DFPS assistance.
- (c) The TJJD State Office Liaison will coordinate with the DFPS State Office TJJD liaison regarding the request, including submitting Form K-908-1909, DFPS Request To TJJD For Additional Information, when requested by DFPS. The form will be sent to DFPS within 7 business days of DFPS's request.

DFPS Activities:

- (a) The DFPS State Office TJJD Liaison will review the initial request submitted on Form K-908-1908, to determine if it is an appropriate request, and, if necessary, within 7 business days the DFPS State Office TJJD Liaison will send Form K-908-1909 to the TJJD case manager. If DFPS believes the request is not appropriate for assistance, the Supervisor of the DFPS State Office Liaison for TJJD will discuss the request with Supervisor of the State Office Liaison for DFPS. If no consensus on the request is achieved, each party will elevate the issue through their chain of command until resolution is achieved.
- (b) If DFPS assistance is still needed, the DFPS State Office TJJD Liaison will transfer the request to Child Protection Investigations (CPI).
- (c) If the information gathered by CPI indicates a removal may be necessary, CPI consults with their chain of command, the DFPS State Office TJJD liaison, and DFPS' legal representative. After this consultation, if DFPS believes a removal may be necessary, the CPI caseworker closes the casework related special request stage and requests an intake based on suspected abuse or neglect, which includes Texas Family Code §261.001(4)(A)(iii). The CPI caseworker also notifies the TJJD liaison of the date, time, and location of a removal hearing within 72 hours of the scheduled hearing, when feasible, otherwise as soon as possible.
- (d) When conducting abuse or neglect investigations, DFPS will follow DFPS's applicable statutory authority for investigations, including Texas Family Code, Title 5, Subtitle E, Chapter 261 and applicable DFPS agency rules.

Joint Activities:

On an annual basis, DFPS and TJJD will provide training to their appropriate regional and State Office staff on the terms of the MOU and use of the forms. TJJD in coordination with DFPS will train appropriate TJJD regional and State Office staff on keeping families engaged with the youth throughout the life of the juvenile justice case and methods/strategies to reduce break downs of the youth's planned discharge placement. The parties may also develop a cross-training curriculum that would be beneficial to both agencies' staff.

VI. Prior to CPS Taking Legal Custody of a Youth

DFPS Activities:

- (a) Gather information to facilitate the location of an appropriate placement based on needs of the youth.
- (b) Review the placement packet sent by TJJD to determine if there is sufficient information to contact TJJD for additional information, if needed.
- (c) Refer the youth for placement;
- (d) Coordinate conference calls with TJJD, as needed;
- (e) Provide weekly updates to TJJD on the status of the case, or more often if necessary.

TJJD Activities:

Within 60 days prior to planned release or as soon as practical after TJJD determines release date, for concurrent planning purposes, TJJD provides DFPS any additional information needed to assist TJJD in locating a safe placement.

VII. Texas Legislative Reporting Requirements

Both DFPS and TJJD will exchange information, as provided for in Attachment B, to report data required by the Texas Legislature.

VIII. Public Information Act

Information related to the performance of this MOU may be subject to the Public Information Act (PIA), Texas Government Code Chapter 552, and may be withheld from public disclosure or released according to the PIA.

IX. Confidential Information

DFPS Activities:

- (a) DFPS shall comply with all applicable state and federal standards regarding the protection and confidentiality of information as currently effective, subsequently enacted or as may be amended. If DFPS, stores, collects, or maintains any data, then such data will be password protected and all appropriate safeguards will be taken to ensure the safety and confidentiality of the data.
- (b) In the event of a confidentiality or security breach of TJJD's information, the DFPS MOU Manger shall initiate risk mitigation and notify the TJJD MOU Manager by telephone and by e-mail within one (1) hour of discovering or having any reason to believe that there has been, any physical, personnel, system, or information security breach. DFPS's MOU Manager shall provide the TJJD MOU Manager with a description of the security breach and the initial risk mitigation steps taken. The TJJD MOU Manager will then process the notification appropriate party within TJJD.
- (c) DFPS agrees to share information obtained from the other with any other party only for the purposes contained in this MOU.

TJJD Activities:

- (a) TJJD shall comply with all applicable state and federal standards regarding the protection and confidentiality of information as currently effective, subsequently enacted or as may be amended. If TJJD stores, collects, or maintains any data, then such data will be password protected and all appropriate safeguards will be taken to ensure the safety and confidentiality of the data.
- (b) In the event of a confidentiality or security breach of DFPS information, the TJJD MOU Manager shall initiate risk mitigation and notify the DFPS MOU Manager by telephone and by e-mail within one (1) hour of discovering or having any reason to believe that there has been, any physical, personnel, system, or information security breach. TJJD's MOU Manager shall provide the DFPS MOU Manager with a description of the security breach and the initial risk mitigation steps taken. The DFPS MOU Manager will then process the notification appropriate party within DFPS.
- (c) TJJD agrees to share information obtained from the other with any other party only for the purposes contained in this MOU.

X. Attachments

The Parties agree that the following Attachments are incorporated as part of this MOU and may be amended, individually, if in writing and agreed upon by both Parties without re-execution of the MOU.

- (a) Attachment A - DFPS and TJJD Data Match
- (b) Attachment B - State Statutory Reporting

XI. Points of Contact

All communications and notices regarding this MOU will be made to the following Points of Contact.

DFPS:

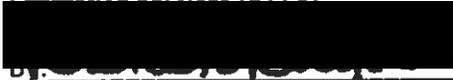
| | |
|--------------------------|--|
| <i>Name:</i> | Ophelia Jaushlin, CPS Program Specialist Lead for Extended Foster Care, SIL & TJJD (Liaison) |
| <i>Physical Address:</i> | 701 W. 51 st Street, Austin, Texas 78751 |
| <i>Phone:</i> | (512) 568-9527 |
| <i>Email:</i> | Ophelia.jaushlin@dfps.texas.gov |

TJJD:

| | |
|--------------------------|--|
| <i>Name:</i> | Ashley Montez, TJJD State Office Liaison DFPS |
| <i>Physical Address:</i> | 11209 Metric Blvd., Bldg. H, Suite A, Austin, TX 78758 |
| <i>Phone:</i> | (512) 490-7137 |
| <i>Email:</i> | Ashley.Montez@tjtd.texas.gov |

By signing below, the Parties acknowledge that they have read the MOU and agree to its terms and that the signers are authorized representatives of their Party.

Department of Family and Protective Services (DFPS)



Signature



Deneen Dryden
CPS, Associate Commissioner

Date: 6.2.21

Texas Juvenile Justice Department (TJJD)

By: 

Signature

Camille Cain
Executive Director

Date: 6/3/21

DFPS and TJJD Data Match

ATTACHMENT A

DFPS and TJJD will participate in a bi-monthly exchange to identify youth who are in DFPS's conservatorship whose status is listed as a runaway, stranger abduction, or who are currently shown in IMPACT as being in a TJJD placement. The following information about the youth may be exchanged to identify the youth:

- name;
- last four digits of social security card;
- date of birth;
- gender; and
- ethnicity

When a match occurs, DFPS will complete the match by verifying that the youth in DFPS's conservatorship is the same youth that is in TJJD's custody.

The contact information for DFPS for data exchange purposes shall be:

Ophelia Jaushlin
DFPS State Office Liaison TJJD
Ophelia.Jaushlin@dfps.texas.gov
(512) 929-6547

The contact information for TJJD for data exchange purposes shall be:

Ashley Montez
TJJD State Office Liaison DFPS
Ashley.Montez@tjtd.texas.gov
(512) 490-7137

State Statutory Reporting

ATTACHMENT B

Pursuant to Texas Human Resources Code §243.008, TJJD is required each even-numbered year to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee having primary jurisdiction over TJJD. The report must summarize statistical information concerning the total number and percentage of children in the custody of the TJJD during the preceding two years who have at any time been in DFPS conservatorship. To prepare this report the parties agree to the following:

TJJD Activities:

By October 1st on each even-number year, TJJD will send DFPS the following identifying information of youth who are committed to TJJD:

- First, middle, and last name;
- Date of Birth;
- Last four social security number;
- Medicaid number, if known; and
- Any other identifier that will help verify the youth's identity.

DFPS Activities:

Once DFPS receives the names of the youth and the identifying information, DFPS will run a match to identify the youth who were formerly in DFPS foster care and who are currently in DFPS conservatorship. If a match exists, DFPS will confirm if the youth is:

- Currently in DFPS conservatorship; and/or
- Has previously been in DPFS foster care and the number of times the youth was in foster care.

The contact information for DFPS for data exchange purposes shall be:

Ophelia Jaushlin
DFPS State Office Liaison TJJD
Ophelia.Jaushlin@dfps.texas.gov
(512) 929-6547

The contact information for TJJD for data exchange purposes shall be:

Ashley Montez
TJJD State Office Liaison DFPS
Ashley.Montez@tjjd.texas.gov
(512) 490-7137



TJJD REQUEST FOR DFPS ASSISTANCE FOR A YOUTH IN TJJD CUSTODY WITH PENDING RELEASE

REQUEST FOR LOCAL PUBLIC SERVICE

Purpose: The Texas Juvenile Justice Department (TJJD) will exercise reasonable due diligence in trying to find a safe home for a youth. If a safe home for a youth cannot be found, TJJD staff use this form to request assistance from DFPS for a youth who is not in DFPS conservatorship.

Directions: TJJD field staff complete this form and send it to the TJJD State Office DFPS liaison. If appropriate, the liaison submits the entire form to QAUNIT@dfps.state.tx.us.

Time frames for submitting this form are as follows:

- The form must be submitted at least 90 days before the youth's release date.
- If this deadline has already passed when the release date is determined, the form must be submitted as soon as practicable.
- If the youth's planned discharge placement breaks down after the 90-day deadline, the form must be submitted as soon as practicable.

TJJD CONTACT INFORMATION

| | |
|---------------------------------|--------------------------|
| TJJD Case Manager Name: | TJJD Case Manager Email: |
| TJJD Case Manager Phone Number: | TJJD Facility Name: |
| TJJD Facility Complete Address: | |

YOUTH INFORMATION

| | | |
|--|--------------------------|---------|
| Youth's Name: | Date of Birth: | Gender: |
| Social Security Number: | Primary Language Spoken: | |
| Current Facility Name (if different from TJJD facility above): | | |
| Current Facility Complete Address (if different from TJJD facility above): | | |
| Name of Parent or Parents: | | |
| Parent Complete Address (including county), if known: | | |
| Parent Phone Number, if known: | | |



| RELEASE AND TRANSITION INFORMATION | |
|--|--|
| What was the youth adjudicated for? | |
| Is the youth a sentenced or non-sentenced youth? | When is the youth's anticipated release date? |
| Is the youth being considered for a mental health discharge? | |
| What is the minimum length of stay (MLOS)? | When is the youth's final date of release (after completing the MLOS)? |

| PARENTS, GUARDIANS, FAMILY MEMBERS, OR OTHER PERTINENT PEOPLE FOR THIS YOUTH | |
|--|--|
| Name: | |
| Address: | |
| Phone: | |
| Relationship to the Youth: | |
| When was the last time this person had contact with the youth or TJJD personnel? | |
| Name: | |
| Address: | |
| Phone: | |
| Relationship to the Youth: | |
| When was the last time this person had contact with the youth or TJJD personnel? | |
| Name: | |
| Address: | |
| Phone: | |
| Relationship to the Youth: | |
| When was the last time this person had contact with the youth or TJJD personnel? | |



DFPS REQUEST TO TJJD FOR ADDITIONAL INFORMATION

Purpose: DFPS uses this form to request additional information from the Texas Juvenile Justice Department (TJJD). The information is intended to assist DFPS in finding parents, relatives, or another appropriate placement that can safely care for the youth after the youth is released from TJJD custody.

Directions: The DFPS State Office TJJD liaison completes the *Youth's Information* section of this form within seven business days after receiving the *TJJD Request for DFPS Assistance for a Youth in TJJD Custody with Pending Release* (Form K-908-1908). The DFPS State Office TJJD liaison emails this form (Form K-908-1909) to the youth's TJJD case manager, whose contact information is included on Form K-908-1908.

The TJJD case manager completes the *Requested Information* section and emails the completed form back to the DFPS State Office TJJD liaison within seven business days of receiving the request for information.

YOUTH'S INFORMATION (COMPLETED BY DFPS)

| | | | | |
|--|--|-------------------------|--------|-----------|
| First Name: | Middle Name: | Last Name: | | |
| Date of Birth: | Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | Social Security Number: | | |
| TJJD Facility Address (Number and Street): | City: | County: | State: | Zip Code: |
| Anticipated Release Date: | | | | |

REQUESTED INFORMATION (COMPLETED BY TJJD)

What efforts has TJJD made to find and engage the youth's parents throughout the TJJD case, to provide re-engagement services, and to identify possible placements with relatives or kin? What were the results of these efforts? If TJJD rejected a placement, what was the reason?

What are the factors that led to the request for DFPS assistance?

Was the youth detained for a sex offense? Yes No

If yes, describe any risk factors DFPS needs to be aware of:



REQUESTED INFORMATION (COMPLETED BY TJJD)

What will be the conditions of parole (if any) when the youth is released from TJJD custody?

Does the youth have a mental illness diagnosis? Yes No

If no, continue to the next box on this form.

If yes, complete the following questions:

What is the youth's mental illness diagnosis?

Has the youth completed the minimum length of stay? Yes No

Is a mental health discharge planned? Yes No

If yes, has TJJD completed the actions required in TJJD GAP .380.8779? Yes No

If the required actions have been completed, attach any documentation, reports, assessments, and so forth that were used and any results.

If the required actions have not been completed, please explain:

Explain why the youth's mental illness makes the youth unable to progress in TJJD's rehabilitation programs.

Is there any additional information that DFPS needs to be aware of about this youth that is especially helpful or can assist with identifying possible placements? (For example: history of fire setting, use or abuse of substances, aggressive behavior toward people, animals, or property, or media attention on the youth's case.)

TJJD is required to give DFPS the following information at least 60 days before the youth's release from TJJD custody, or as soon as practicable:

- Anticipated release date (if the date listed on this form changes)
- Youth's birth certificate or verification of birth (if available)
- Current individual case plan
- Current transition plan
- Clinical information related to any trauma the youth has experienced in a TJJD placement
- Current medical information, including treatment needs
- Current school records, including education plans
- Most recent psychiatric or psychological evaluation (If psychological, it must have been completed within the last 12 months.)
- Notes from therapy or treatment
- Sexual Behavior Treatment Assessment (TJJD GAP .380.8751)
- Information for DFPS to use in completing the Application for Placement (DFPS Form K-902-2087)