

Legal Responsibility for Child Care Licensing

Day Care and Residential Care: Statutory References

Social Security Act
 Human Resources Code
 Texas Family Code, Title 5
 Texas Government Act
 Texas Health and Safety Code, Chapter 249
 Texas Administrative Code, Title 40

Major Provisions:

- Develop minimum standards that promote the health, safety and well being of children in out-of-home care.
- Issue licenses to facilities meeting minimum standards.
- Inspect facilities to ensure they maintain compliance with the minimum standards.
- Investigate complaints and ensure that corrective or adverse action is taken as appropriate.
- Register and list family homes.
- Conduct criminal background checks and PRS central registry checks on all child care staff, home caregivers and family members, foster parents, adoptive parents, and licensed administrators.
- Provide technical assistance on meeting and maintaining minimum standards and encourage improvement of child care programs.
- Administer the Alternative Accreditation program to allow child care facilities the opportunity to operate under the regulation of a private accrediting body approved by PRS, instead of under the direct regulation of PRS.

Challenges:

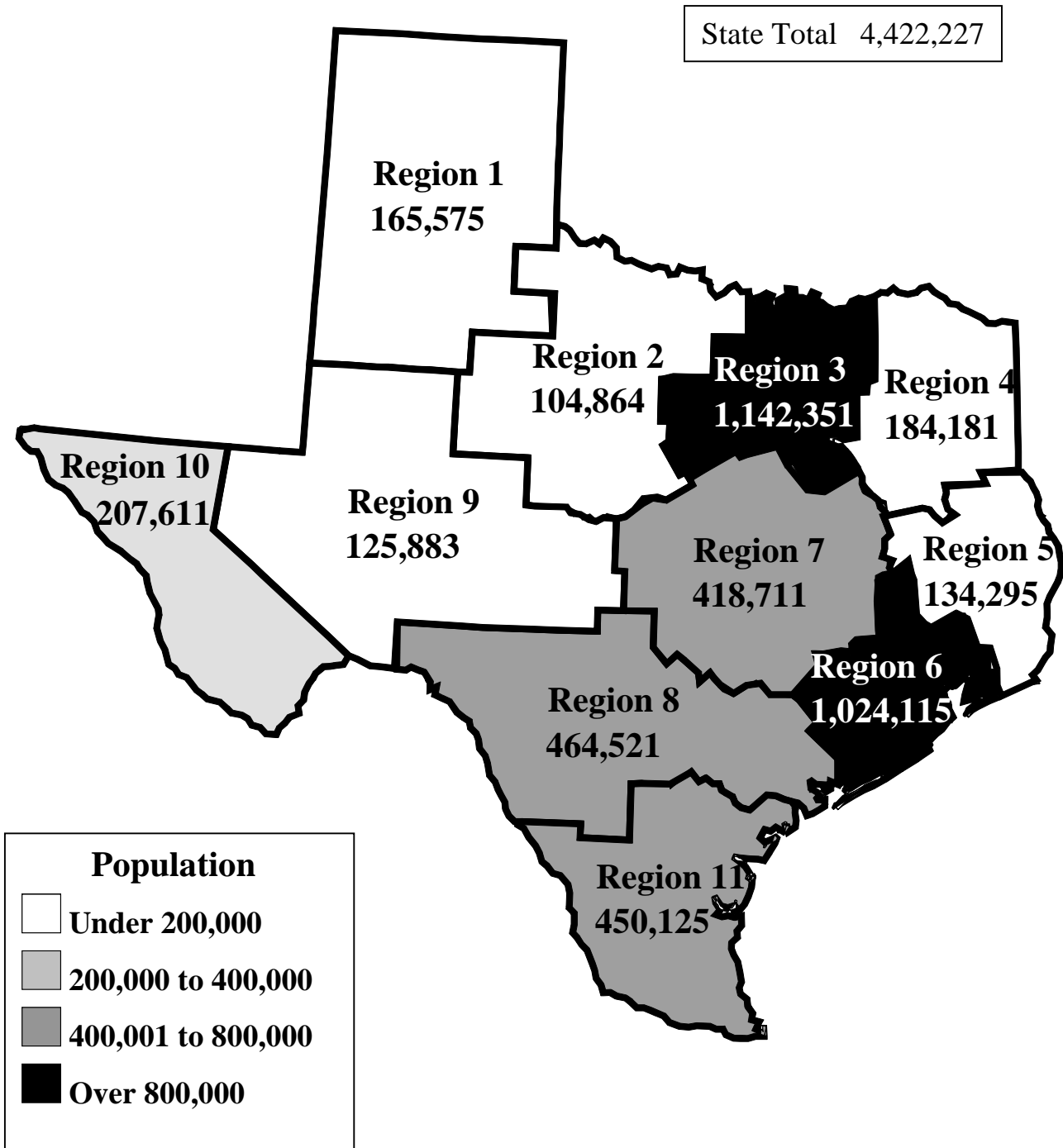
- Meet the growing demand for public information on child care regulation and private adoptions.
- Educate parents to make informed choices when selecting day care for their children
- Meet the growing training and technical assistance needs of the child care community.
- Respond to the increasingly complex needs of facilities serving troubled and abused children in residential care.

Fiscal Year 2000 Expenditures and Staffing

Fiscal Year 2000 Expenditures: \$18,495,654

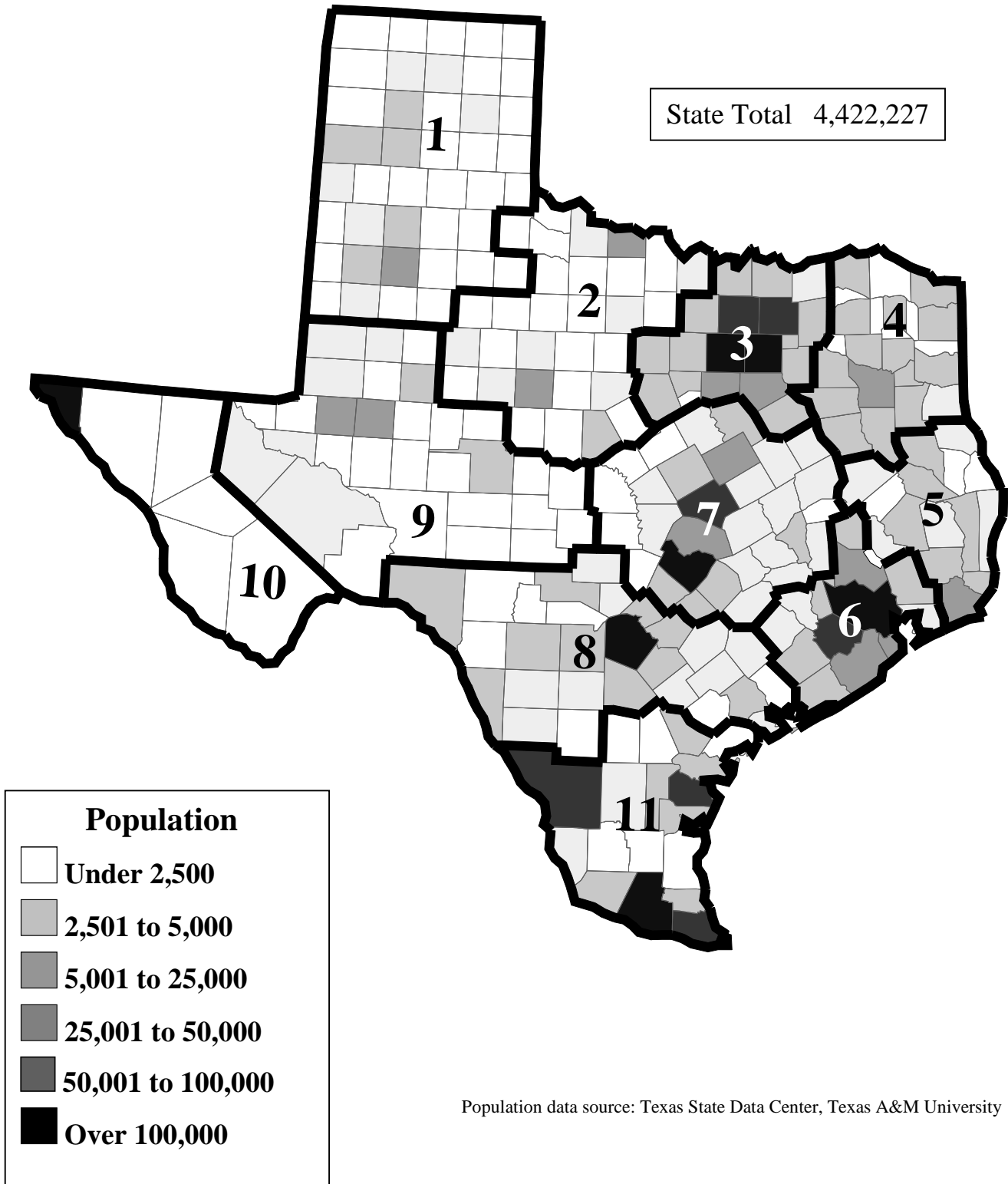
392 Daycare/Residential Child Care Licensing Staff
 422 Total staff

Texas Child Population Ages Birth to 13 By Region Fiscal Year 2000

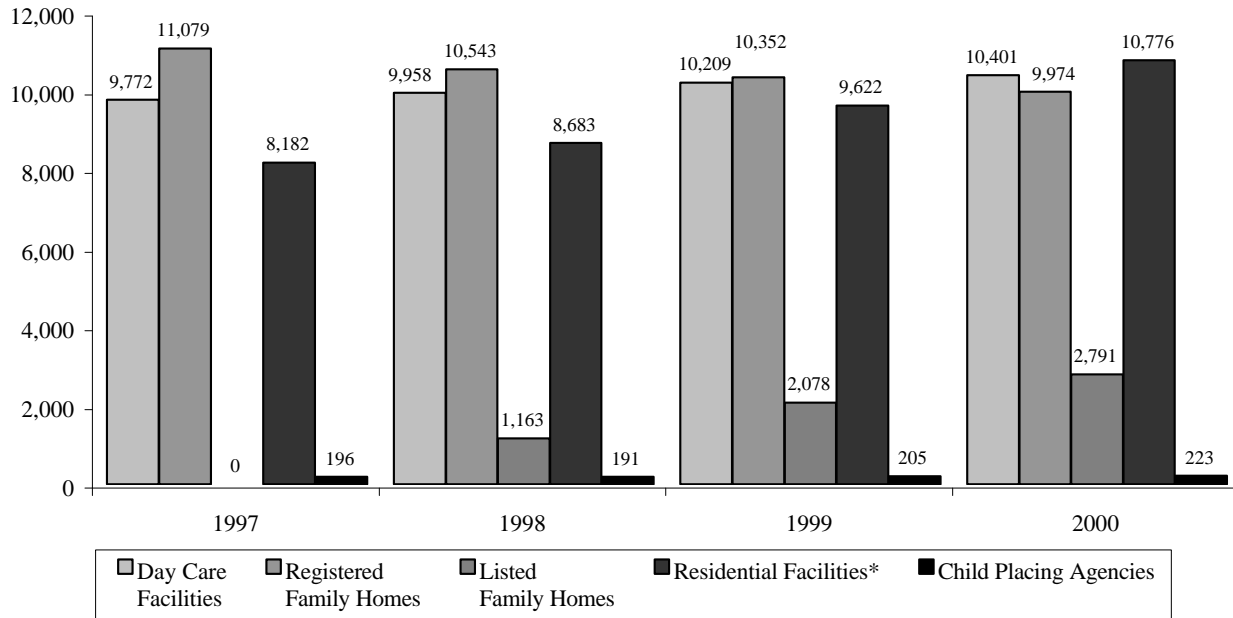


Population data source: Texas State Data Center, Texas A&M University

Texas Child Population Ages Birth to 13 By County Fiscal Year 2000



Child Care Facilities in Texas by Fiscal Year



Complaint Investigations in Child Care Facilities Fiscal Year 2000

Facility Type	Total Facilities	All Complaints*	Abuse/Neglect Complaints		
			Total A/N Complaints	Valid A/N Complaints	Non-valid A/N Complaints
Day Care Licensing					
Day Care Facility	10,401	10,331	640	80	560
Registered Family Home	9,974	2,625	125	28	97
Listed Family Home	2,791	2	4	1	3
Unknown Day Care Type	NA	NA	418	90	328
Totals	23,166	12,958	1,187	199	988
Residential Licensing (24 Hour Care)					
Residential Facilities**	3,908	1,405	519	93	426
CPS Foster and Adoptive Homes	7,091	NA	22	3	19
Unknown Residential Type	NA	NA	41	6	35
Totals	10,999	1,405	582	102	480
Facility Type Unknown	NA	NA	99	30	69
Total All Facility Types	34,165	14,363	1,868	331	1,537

* Includes standards violations and abuse/neglect investigations.

** Includes 223 Child Placing Agencies, but does not include agency homes verified by Child Placing Agencies.

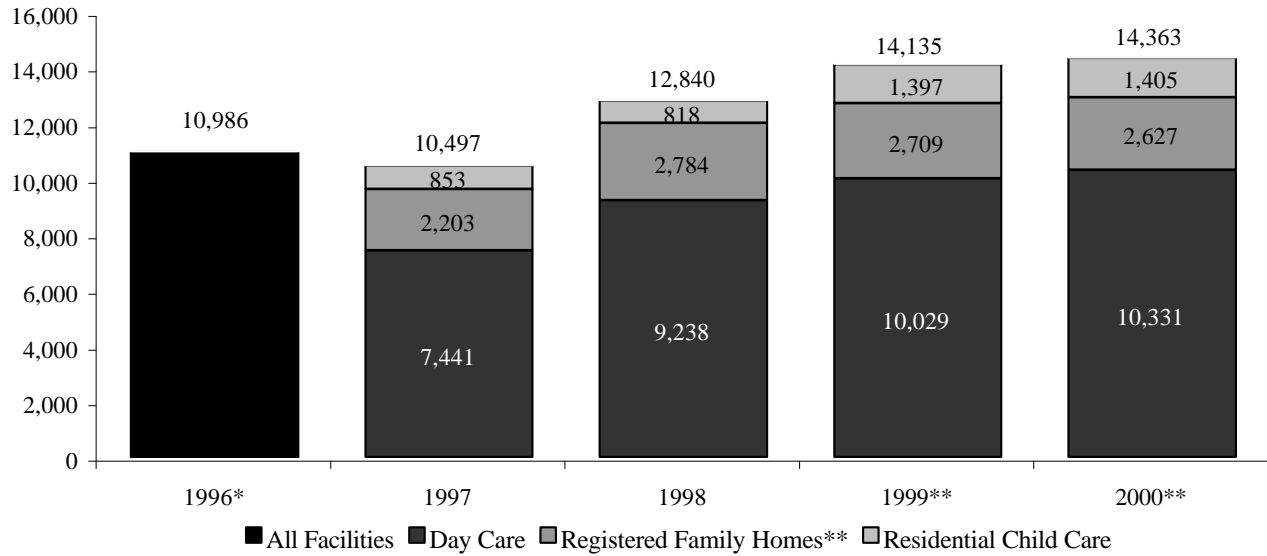
Child Care Facilities in Texas End of August

Type of Facility	August 31, 1999		August 31, 2000		Percent Change	
	Number	Capacity	Number	Capacity	Number	Capacity
Day Care Licensing						
Drop in Centers	19	763	17	695	-10.5%	-8.9%
Day Care Centers	7,947	695,485	8,176	724,247	2.9%	4.1%
Kindergartens/Nursery Schools	253	15,926	238	14,868	-5.9%	-6.6%
Schools/Kindergartens and Above	64	6,111	58	5,331	-9.4%	-12.8%
Group Day Care Homes	1,926	23,337	1,912	23,265	-0.7%	-0.3%
Subtotal, Licensed/Certified Facilities	10,209	741,622	10,401	768,406	1.9%	3.6%
Registered Family Homes	10,352	62,112	9,974	59,844	-3.7%	-3.7%
Listed Homes	2,078	6,234	2,791	8,373	34.3%	34.3%
Total Day Care Facilities and Homes	22,639	809,968	23,166	836,623	2.3%	3.3%
Residential Licensing (24-Hour Care)						
Independent Foster Group Homes	33	456	36	579	9.1%	27.0%
Independent Foster Family Homes	67	213	63	213	-6.0%	0.0%
Institutions Providing Basic Care	76	4,737	69	4,593	-9.2%	-3.0%
Institutions Serving Mentally Retarded Children	7	263	7	261	0.0%	-0.8%
Emergency Shelters	66	1,611	68	1,666	3.0%	3.4%
Halfway Houses	2	42	2	58	0.0%	38.1%
Residential Treatment Centers	85	3,769	80	3,817	-5.9%	1.3%
Therapeutic Camps	10	510	10	563	0.0%	10.4%
Subtotal, Residential Facilities	346	11,601	335	11,750	-3.2%	1.3%
Child Placing Agencies*	205	N/A	223	N/A	8.8%	N/A
Agency Foster & Adoptive Homes:						
Agency Foster Homes	2,710	9,030	2,979	10,044	9.9%	11.2%
Agency Foster Group Homes	306	2,827	359	3,307	17.3%	17.0%
CPS** Foster Homes	3,551	10,461	3,955	11,563	11.4%	10.5%
CPS Foster Group Homes	85	549	101	614	18.8%	11.8%
CPS Adoptive Homes	2,717	N/A	3,035	N/A	11.7%	N/A
Subtotal Homes	9,369	22,867	10,429	25,528	11.3%	11.6%
Maternity Homes	14	N/A	12	N/A	-14.3%	N/A
Total Residential	9,934	34,468	10,999	37,278	10.7%	8.2%
Child Care Administrators	1,093	N/A	1,033	N/A	-5.5%	N/A

* Child Placing Agencies validate and assure that agency homes meet standards.

** CPS (Child Protective Services) is a licensed Child Placing Agency.

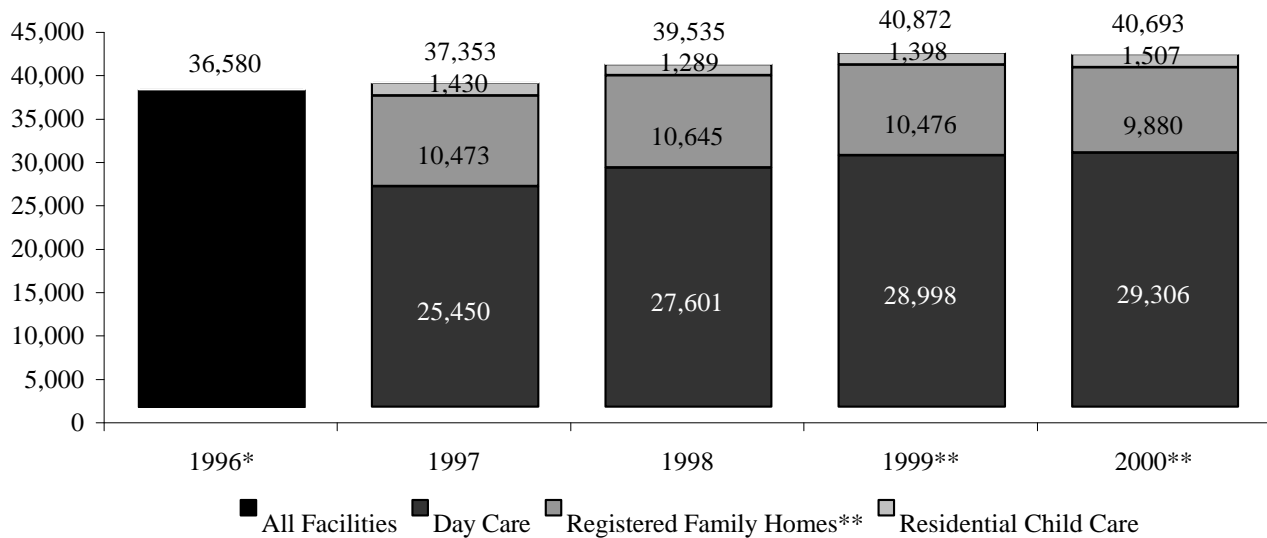
Investigations of Complaints in Child Care Facilities by Fiscal Year



* Data is not available by type of facility for 1996.

** Beginning in 1999, Registered Family Homes includes Listed Family Homes, a new type of facility.

Child Care Facility Inspections by Fiscal Year



* Data is not available by type of facility for 1996.

** Beginning in 1999, Registered Family Homes includes Listed Family Homes, a new type of facility.

Facilities and Homes Regulated by Fiscal Year

Day Care Facilities Licensed	FY97	FY98	FY99	FY00
Lubbock (1)	411	414	452	458
Abilene (2)	339	339	333	333
Arlington (3)	2,396	2,385	2,442	2,475
Tyler (4)	481	478	469	458
Beaumont (5)	292	299	309	315
Houston (6)	2,124	2,185	2,248	2,286
Austin (7)	1,278	1,321	1,361	1,378
San Antonio (8)	947	955	968	996
Midland (9)	284	293	286	289
El Paso (10)	478	488	512	535
Edinburg (11)	742	801	829	878
Total	9,772	9,958	10,209	10,401

Registered Family Homes	FY97	FY98	FY99	FY00
Lubbock (1)	401	416	392	396
Abilene (2)	315	322	305	297
Arlington (3)	3,234	3,197	3,200	3,080
Tyler (4)	260	272	283	239
Beaumont (5)	194	175	156	152
Houston (6)	3,000	2,766	2,709	2,666
Austin (7)	1,348	1,292	1,293	1,255
San Antonio (8)	1,010	992	970	968
Midland (9)	160	122	123	115
El Paso (10)	150	133	134	107
Edinburg (11)	1,007	856	787	699
Total	11,079	10,543	10,352	9,974

Listed Family Homes*	FY97	FY98	FY99	FY00
Lubbock (1)	N/A	166	242	289
Abilene (2)	N/A	66	115	155
Arlington (3)	N/A	230	596	788
Tyler (4)	N/A	67	97	109
Beaumont (5)	N/A	39	53	65
Houston (6)	N/A	148	166	195
Austin (7)	N/A	270	475	738
San Antonio (8)	N/A	79	138	211
Midland (9)	N/A	64	106	112
El Paso (10)	N/A	17	51	68
Edinburg (11)	N/A	17	39	61
Total	0	1,163	2,078	2,791

Residential Licensing (24-Hour Care)**	FY97	FY98	FY99	FY00
Lubbock (1)	154	182	218	225
Abilene (2)	115	130	161	191
Arlington (3)	686	612	641	701
Tyler (4)	106	108	106	120
Beaumont (5)	53	72	87	90
Houston (6)	870	880	975	1,093
Austin (7)	609	598	605	636
San Antonio (8)	397	417	428	465
Midland (9)	48	51	63	67
El Paso (10)	91	82	89	83
Edinburg (11)	115	148	192	236
Unknown	0	0	2	1
Total	3,244	3,280	3,567	3,908

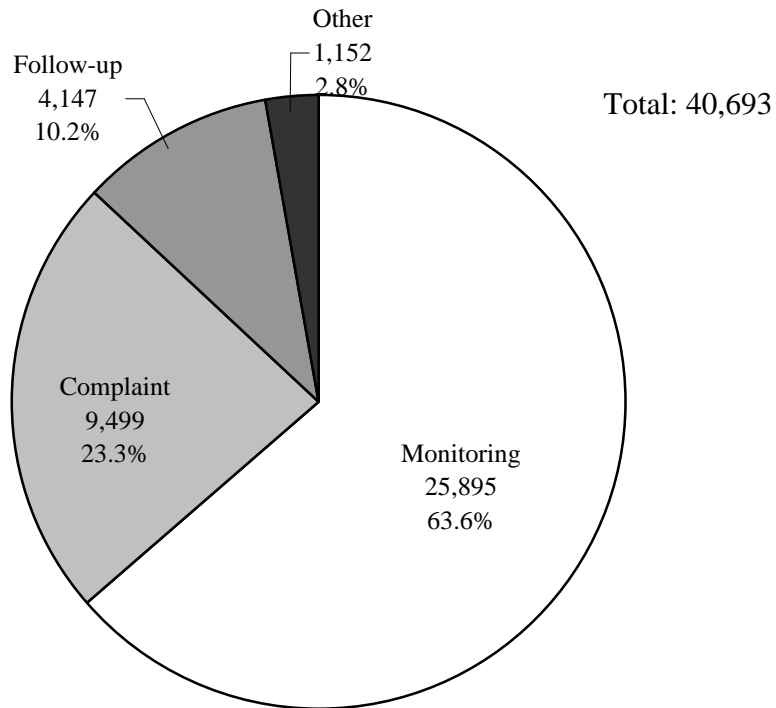
* Listed Family Homes began in February 1998.

** Does not include CPS Foster and Adoptive Homes.

Investigations of Complaints in Regulated Child Care Facilities Fiscal Year 2000

Region	Day Care Facilities	Residential (24-Hour) Facilities	Total
Lubbock (1)	618	55	673
Abilene (2)	447	23	470
Arlington (3)	3,985	165	4,150
Tyler (4)	548	28	576
Beaumont (5)	467	21	488
Houston (6)	2,340	500	2,840
Austin (7)	1,691	283	1,974
San Antonio (8)	1,462	234	1,696
Midland (9)	264	14	278
El Paso (10)	359	37	396
Edinburg (11)	777	45	822
Total	12,958	1,405	14,363

Child Care Facility Inspections by Type of Inspection Fiscal Year 2000



Adverse Actions in Day Care Facilities by Region Fiscal Year 2000

Region	Licenses Denied		Licenses Revoked		Legal Injunctions		Total Adverse Actions
	Registered		Registered		Registered		
	Day Care	Family Home	Day Care	Registered Family Home	Day Care	Family Home	
Lubbock (1)	0	0	3	4	0	1	8
Abilene (2)	0	0	1	0	0	0	1
Arlington (3)	0	0	1	3	0	4	8
Tyler (4)	0	0	1	0	0	0	1
Beaumont (5)	0	0	0	0	0	1	1
Houston (6)	0	0	3	5	2	1	11
Austin (7)	0	0	1	2	0	0	3
San Antonio (8)	0	0	2	4	0	1	7
Midland (9)	0	0	1	0	0	0	1
El Paso (10)	0	0	1	2	0	0	3
Edinburg (11)	0	0	0	2	0	0	2
Total	0	0	14	22	2	8	46

Corrective Actions in Day Care Facilities by Region Fiscal Year 2000

Region	Evaluation		Licenses Suspended		Probations		Corrective Denial		Total Corrective Actions
	Registered		Registered		Registered		Registered		
	Day Care	Family Home	Day Care	Registered Family Home	Day Care	Family Home	Day Care	Family Home	
Lubbock (1)	8	1	3	3	0	0	0	1	16
Abilene (2)	2	1	0	0	1	0	0	0	4
Arlington (3)	50	5	21	6	1	0	1	0	84
Tyler (4)	6	0	7	2	0	0	0	0	15
Beaumont (5)	5	0	1	0	0	0	0	0	6
Houston (6)	56	5	20	17	0	0	0	3	101
Austin (7)	59	4	3	7	0	0	0	0	73
San Antonio (8)	26	2	9	0	1	0	0	0	38
Midland (9)	0	0	9	0	0	0	1	0	10
El Paso (10)	2	2	3	0	1	0	0	0	8
Edinburg (11)	10	5	2	1	0	0	0	0	18
Total	224	25	78	36	4	0	2	4	373

Licensing of Day Care Facilities by Region Fiscal Year 2000

Region	Applications Accepted (Day Care)	Provisional Licenses Issued (New Day Care)	Applications Accepted (Registered Family Homes)	Request to Register Granted (New Registered Family Homes)	New Listed Family Homes
Lubbock (1)	72	70	39	93	44
Abilene (2)	67	69	2	83	48
Arlington (3)	403	315	152	600	173
Tyler (4)	74	57	4	46	25
Beaumont (5)	66	57	18	30	4
Houston (6)	371	341	62	456	31
Austin (7)	263	204	17	259	167
San Antonio (8)	129	100	68	239	77
Midland (9)	43	37	5	31	16
El Paso (10)	95	89	1	10	20
Edinburg (11)	167	168	37	116	17
Total	1,750	1,507	405	1,963	622

Licensing of Residential (24-Hour) Facilities by Region Fiscal Year 2000

Region	Provisional Applications Accepted	Provisional Licenses Issued (New)
Lubbock (1)	1	3
Abilene (2)	0	0
Arlington (3)	3	10
Tyler (4)	4	3
Beaumont (5)	0	0
Houston (6)	13	32
Austin (7)	3	3
San Antonio (8)	1	6
Midland (9)	1	0
El Paso (10)	0	6
Edinburg (11)	4	6
Total	30	69

Adverse Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2000

Region	Licenses Denied	Licenses Revoked	Legal Injunctions	Total Adverse Actions
Lubbock (1)	0	0	2	2
Abilene (2)	0	0	0	0
Arlington (3)	0	0	0	0
Tyler (4)	0	0	1	1
Beaumont (5)	0	0	0	0
Houston (6)	0	0	0	0
Austin (7)	0	0	0	0
San Antonio (8)	0	0	0	0
Midland (9)	0	0	0	0
El Paso (10)	0	0	0	0
Edinburg (11)	0	0	0	0
Total	0	0	3	3

Corrective Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2000

Region	Evaluation	Licenses Suspended	Probations	Corrective Denial	Total Corrective Actions
Lubbock (1)	1	1	0	0	2
Abilene (2)	0	0	0	0	0
Arlington (3)	0	0	0	0	0
Tyler (4)	1	0	0	1	2
Beaumont (5)	0	0	0	0	0
Houston (6)	0	1	0	0	1
Austin (7)	1	1	0	0	2
San Antonio (8)	2	1	0	0	3
Midland (9)	0	0	0	0	0
El Paso (10)	2	0	0	0	2
Edinburg (11)	0	0	0	0	0
Total	7	4	0	1	12

Notes: