

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 child care facilities, child placing agencies, maternity homes, and child care administrators meeting minimum standards.
- Register and list family homes.
- Monitor and inspect child care facilities, child placing agencies, maternity homes, and registered family homes to ensure they maintain compliance with the minimum standards.
- Investigate complaints, including complaints of child abuse and neglect, and ensure that corrective or adverse action is taken as appropriate.
- 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.
- Improve consistency in the enforcement of Child Care Licensing regulations.

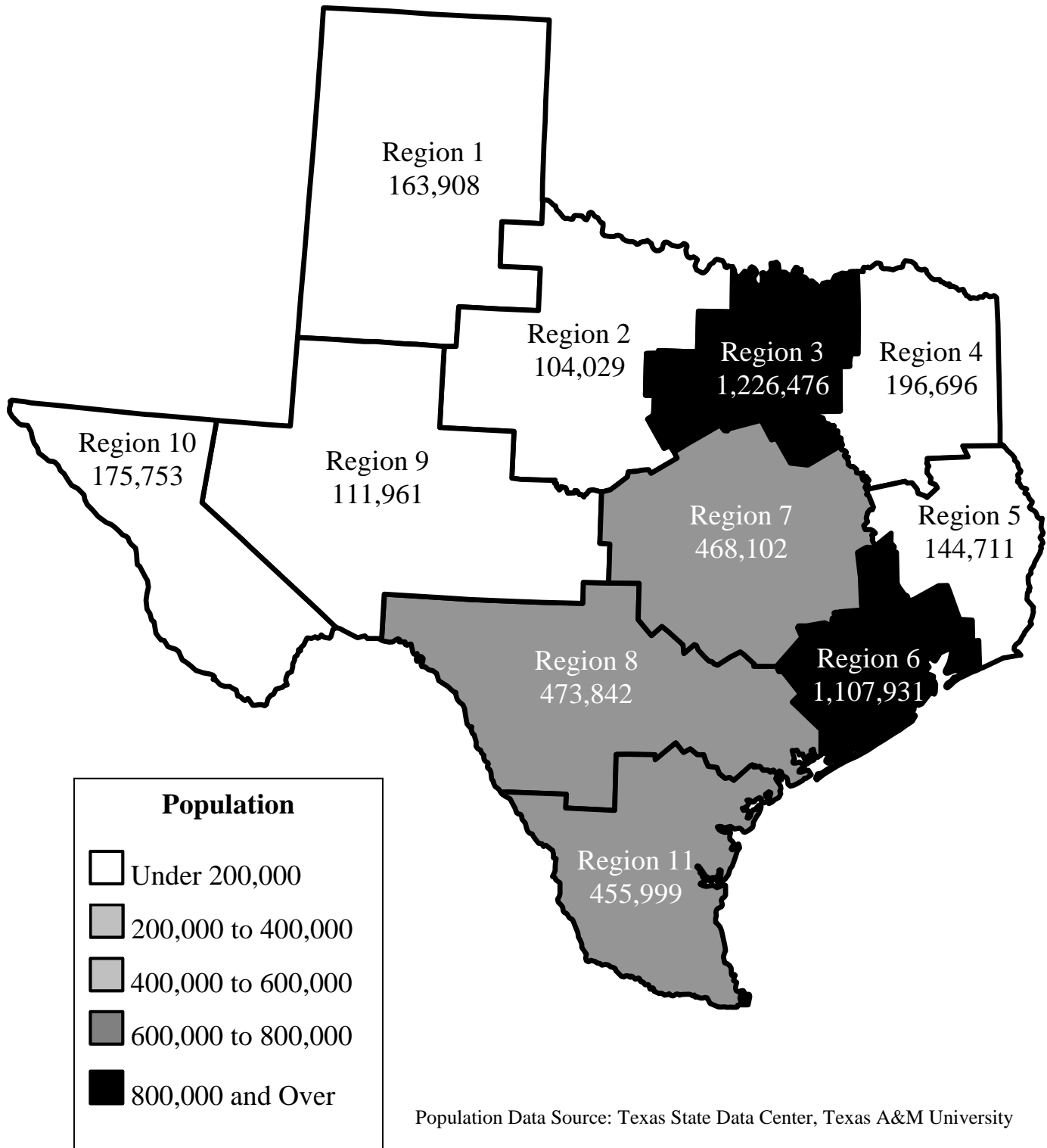
Fiscal Year 2001 Expenditures and Staffing

Fiscal Year 2001 Expenditures: \$24,630,595

384 Daycare/Residential Child Care Licensing Staff
 423 Total staff

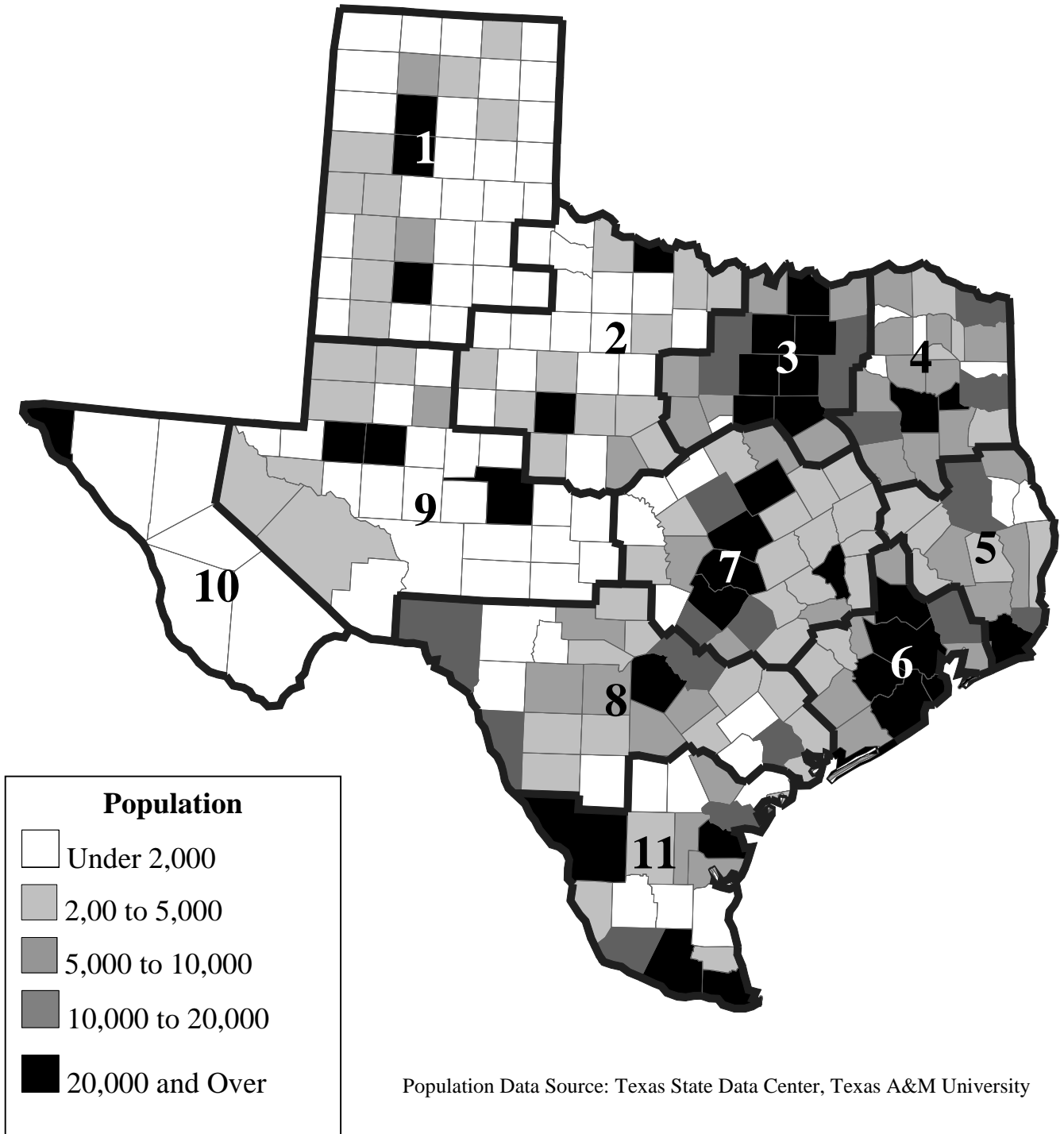
Texas Child Population Ages Birth to 13 by Region Fiscal Year 2001

State Total: 4,629,408



Texas Child Population Ages Birth to 13 by County Fiscal Year 2001

State Total: 4,629,408



Child Care Facilities in Texas at End of August by Fiscal Year

Year	Day Care Facilities	Registered Family Homes	Listed Family Homes	Residential Facilities / Homes	Child Placing Agencies (CPA)
1996	9,560	12,192	NA	7,614	194
1997	9,772	11,079	NA	8,182	196
1998	9,958	10,543	1,163	8,683	191
1999	10,209	10,352	2,078	9,622	205
2000	10,401	9,974	2,791	10,776	223
2001	10,603	9,659	3,439	8,096*	225

Complaint Investigations in Child Care Facilities Fiscal Year 2001

Facility Type	Total Number of Facilities as of August 31, 2001	Complaints Investigated**	Abuse/Neglect Complaints Investigated		
			Total	Valid	Non-valid
Day Care Licensing					
Day Care Facilities	10,603	10,123	673	113	560
Registered Family Homes	9,659	2,499	104	20	84
Listed Family Homes	3,439	8	7	2	5
Unknown Day Care Type	NA	NA	396	82	314
Totals	23,701	12,630	1,180	217	963
Residential Licensing (24-Hour Care)					
Facilities	234	758	240	28	212
Independent Foster Homes	83	53	12	3	9
CPAs and CPA Foster Homes	4,017	688	351	47	304
Child Protective Services Foster and Adoptive Homes***	3,987	NA	13	0	13
Unknown Residential Type	NA	6	25	3	22
Totals	8,321	1,505	641	81	560
Facility Type Unknown	NA	NA	99	15	84
Totals - All Facility Types	32,022	14,135	1,920	313	1,607

* Beginning in 2001, adoptive homes, a subset of residential facilities/homes, excludes homes open only for receipt of adoption subsidy payments

** Includes standards violations and abuse/neglect investigations

*** Licensing staff only investigates abuse/neglect complaints at these homes, not standards violations

Child Care Facilities in Texas

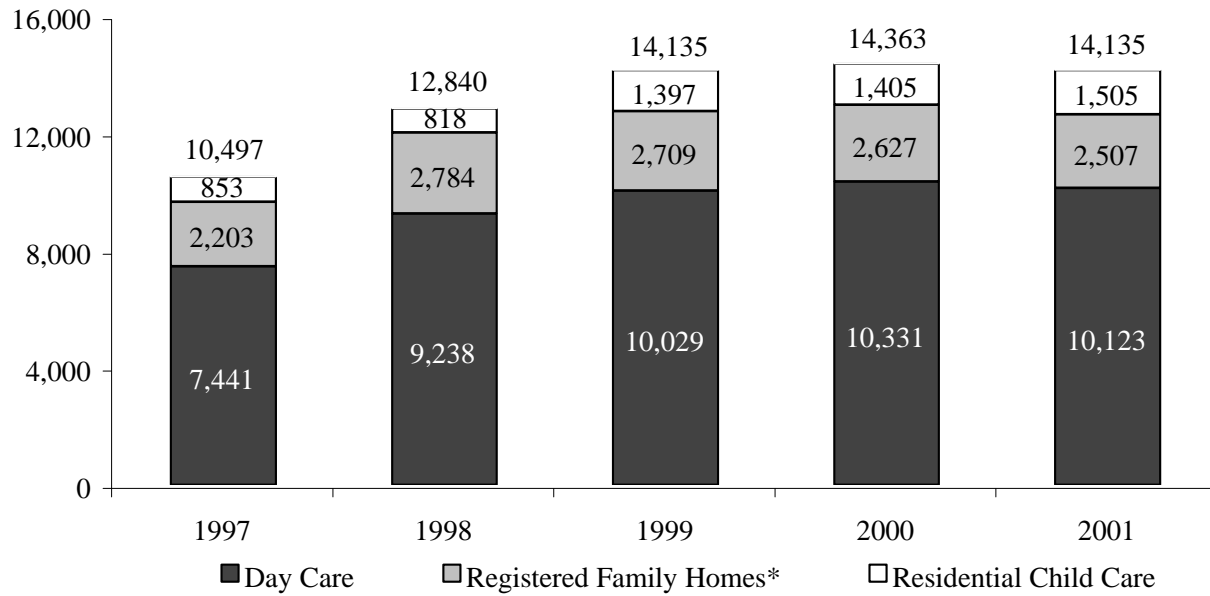
Type of Facility	As of August 31, 2000		As of August 31, 2001		Percent Change	
	Number	Capacity	Number	Capacity	Number	Capacity
Day Care Licensing						
Drop in Centers	17	695	10	446	-41.2%	-35.8%
Day Care Centers	8,176	724,247	8,387	755,640	2.6%	4.3%
Kindergartens/Nursery Schools	238	14,868	230	14,559	-3.4%	-2.1%
Schools/Kindergartens and Above	58	5,331	56	6,002	-3.5%	12.6%
Group Day Care Homes	1,912	23,265	1,920	23,002	0.4%	-1.1%
Subtotal, Licensed/Certified Facilities	10,401	768,406	10,603	799,649	1.9%	4.1%
Registered Family Homes	9,974	59,844	9,659	57,954	-3.2%	-3.2%
Listed Homes	2,791	8,373	3,439	10,317	23.2%	23.2%
Total Day Care Facilities and Homes	23,166	836,623	23,701	867,920	2.3%	3.7%
Residential Licensing (24-Hour Care)						
Independent Foster Group Homes	36	579	35	551	-2.8%	-4.8%
Independent Foster Family Homes	63	213	48	181	-23.8%	-15.0%
Institutions Providing Basic Care	69	4,593	67	4,619	-2.9%	0.6%
Institutions Serving Mentally Retarded Children	7	261	6	205	-14.3%	-21.5%
Emergency Shelters	68	1,666	65	1,553	-4.4%	-6.8%
Halfway Houses	2	58	0	0	-100.0%	-100.0%
Residential Treatment Centers	80	3,817	77	3,821	-3.8%	0.1%
Therapeutic Camps	10	563	9	604	-10.0%	7.3%
Subtotal, Residential Facilities	335	11,750	307	11,534	-8.4%	-1.8%
Child Placing Agencies*	223	N/A	225	N/A	0.9%	N/A
Agency Foster Homes	2,979	10,044	3,401	11,809	14.2%	17.6%
Agency Foster Group Homes	359	3,307	391	3,562	8.9%	7.7%
CPS** Foster Homes	3,955	11,563	3,413	10,118	-13.7%	-12.5%
CPS Foster Group Homes	101	614	86	529	-14.9%	-13.8%
CPS Adoptive Homes***	3,035	N/A	488	N/A	-83.9%	N/A
Subtotal, Homes	10,429	25,528	7,779	26,018	-25.4%	1.9%
Maternity Homes	12	N/A	10	N/A	-16.7%	N/A
Total Residential	10,999	37,278	8,321	37,552	-24.4%	0.7%
Child Care Administrators	1,033	N/A	1,040	N/A	0.7%	N/A

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

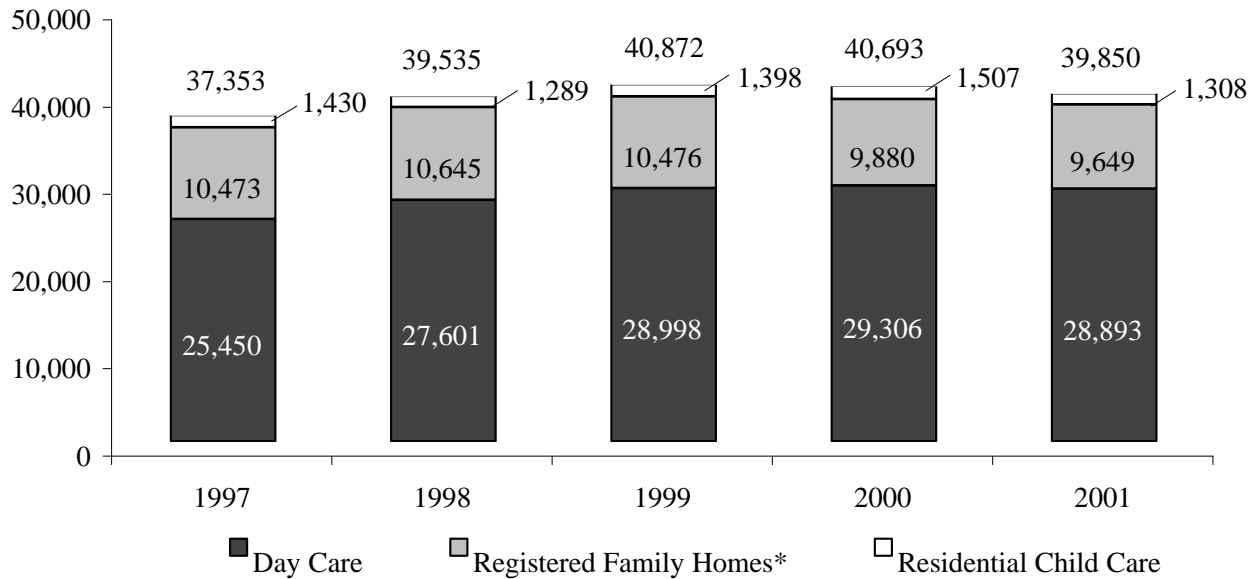
** CPS (Child Protective Services) is a licensed Child Placing Agency.

*** Adoptive Homes for FY 2001 excludes homes open only for receipt of adoption subsidy payments.

Child Care Facility Investigations by Fiscal Year



Child Care Facility Inspections by Fiscal Year



* Beginning in 1998, Registered Family Homes includes Listed Family Homes, a new type of facility.

Facilities and Homes Regulated by Fiscal Year

Day Care Facilities Licensed	1998	1999	2000	2001
Lubbock (1)	414	452	458	459
Abilene (2)	339	333	333	327
Arlington (3)	2,385	2,442	2,475	2,528
Tyler (4)	478	469	458	473
Beaumont (5)	299	309	315	309
Houston (6)	2,185	2,248	2,286	2,318
Austin (7)	1,321	1,361	1,378	1,411
San Antonio (8)	955	968	996	1,015
Midland (9)	293	286	289	280
El Paso (10)	488	512	535	533
Edinburg (11)	801	829	878	950
Total	9,958	10,209	10,401	10,603
Registered Family Homes	1998	1999	2000	2001
Lubbock (1)	416	392	396	370
Abilene (2)	322	305	297	286
Arlington (3)	3,197	3,200	3,080	2,973
Tyler (4)	272	283	239	229
Beaumont (5)	175	156	152	123
Houston (6)	2,766	2,709	2,666	2,620
Austin (7)	1,292	1,293	1,255	1,208
San Antonio (8)	992	970	968	928
Midland (9)	122	123	115	113
El Paso (10)	133	134	107	93
Edinburg (11)	856	787	699	716
Total	10,543	10,352	9,974	9,659
Listed Family Homes*	1998	1999	2000	2001
Lubbock (1)	166	242	289	324
Abilene (2)	66	115	155	113
Arlington (3)	230	596	788	1,039
Tyler (4)	67	97	109	123
Beaumont (5)	39	53	65	91
Houston (6)	148	166	195	304
Austin (7)	270	475	738	947
San Antonio (8)	79	138	211	212
Midland (9)	64	106	112	77
El Paso (10)	17	51	68	73
Edinburg (11)	17	39	61	136
Total	1,163	2,078	2,791	3,439
Residential Licensing (24-Hour Care)**	1998	1999	2000	2001
Lubbock (1)	182	218	225	236
Abilene (2)	130	161	191	207
Arlington (3)	612	641	701	765
Tyler (4)	108	106	120	149
Beaumont (5)	72	87	90	100
Houston (6)	880	975	1,093	1,257
Austin (7)	598	605	636	644
San Antonio (8)	417	428	465	528
Midland (9)	51	63	67	67
El Paso (10)	82	89	83	97
Edinburg (11)	148	192	236	283
Unknown	0	2	1	1
Total	3,280	3,567	3,908	4,334

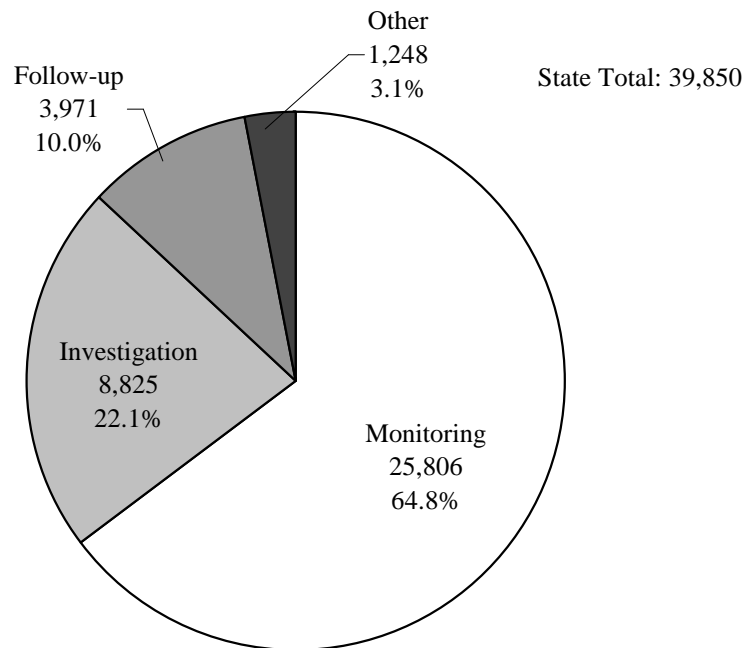
* Listed Family Homes began in February 1998.

** Does not include CPS Foster and Adoptive Homes

Investigations in Regulated Child Care Facilities Fiscal Year 2001

Region	Day Care Facilities	Residential (24-Hour) Facilities	Total
Lubbock (1)	598	28	626
Abilene (2)	501	48	549
Arlington (3)	3,540	214	3,754
Tyler (4)	615	27	642
Beaumont (5)	418	24	442
Houston (6)	2,298	445	2,743
Austin (7)	1,561	466	2,027
San Antonio (8)	1,605	184	1,789
Midland (9)	285	11	296
El Paso (10)	330	30	360
Edinburg (11)	879	24	903
Other/Unknown	0	4	4
State Total	12,630	1,505	14,135

Inspections in Regulated Child Care Facilities by Type of Inspection Fiscal Year 2001



Adverse Actions in Day Care Facilities by Region Fiscal Year 2001

Region	Licenses Denied		Licenses Revoked		Legal Injunctions		Total Adverse Actions
	Day Care	Registered Family Home	Day Care	Registered Family Home	Day Care	Registered Family Home	
Lubbock (1)	0	0	1	1	2	0	4
Abilene (2)	0	0	0	1	0	0	1
Arlington (3)	1	0	0	3	0	0	4
Tyler (4)	0	0	0	0	0	0	0
Beaumont (5)	0	0	1	1	0	1	3
Houston (6)	0	0	3	1	2	0	6
Austin (7)	0	0	2	0	1	0	3
San Antonio (8)	0	1	5	9	0	0	15
Midland (9)	0	0	0	0	0	0	0
El Paso (10)	0	0	2	0	0	0	2
Edinburg (11)	0	0	4	1	0	0	5
State Total	1	1	18	17	5	1	43

Corrective Actions in Day Care Facilities by Region Fiscal Year 2001

Region	Evaluation		Licenses Suspended		Probations		Total Corrective Actions
	Day Care	Registered Family Home	Day Care	Registered Family Home	Day Care	Registered Family Home	
Lubbock (1)	6	1	0	0	7	3	17
Abilene (2)	1	0	0	0	0	0	1
Arlington (3)	18	3	0	0	15	2	38
Tyler (4)	3	0	0	0	3	0	6
Beaumont (5)	2	1	0	0	8	2	13
Houston (6)	48	4	2	9	12	3	78
Austin (7)	39	2	0	0	15	0	56
San Antonio (8)	7	2	0	0	29	2	40
Midland (9)	2	0	0	0	7	0	9
El Paso (10)	0	1	0	0	4	0	5
Edinburg (11)	19	7	1	0	3	2	32
State Total	145	21	3	9	103	14	295

Licensing of Day Care Facilities by Region Fiscal Year 2001

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)	82	76	29	74	55
Abilene (2)	76	58	5	73	10
Arlington (3)	392	318	93	610	136
Tyler (4)	113	96	3	47	29
Beaumont (5)	63	51	12	26	1
Houston (6)	322	293	76	521	32
Austin (7)	240	235	8	273	158
San Antonio (8)	172	154	53	230	53
Midland (9)	33	31	1	25	22
El Paso (10)	105	102	0	5	5
Edinburg (11)	210	193	77	171	39
State Total	1,808	1,607	357	2,055	540

Licensing of Residential (24-Hour) Facilities by Region Fiscal Year 2001

Region	Applications Accepted	Provisional Licenses Issued (New)
Lubbock (1)	4	1
Abilene (2)	2	1
Arlington (3)	15	11
Tyler (4)	7	3
Beaumont (5)	2	2
Houston (6)	24	22
Austin (7)	7	3
San Antonio (8)	16	6
Midland (9)	1	0
El Paso (10)	1	2
Edinburg (11)	6	4
State Total	85	55

Adverse Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2001

Region	Licenses Denied	Licenses Revoked	Legal Injunctions	Total Adverse Actions
Lubbock (1)	0	0	0	0
Abilene (2)	0	0	0	0
Arlington (3)	0	0	0	0
Tyler (4)	0	0	0	0
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	1	1
State Total	0	0	1	1

Corrective Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2001

Region	Evaluation	Licenses Suspended	Probations	Total Corrective Actions
Lubbock (1)	1	0	1	2
Abilene (2)	0	0	0	0
Arlington (3)	1	0	0	1
Tyler (4)	2	1	0	3
Beaumont (5)	0	0	0	0
Houston (6)	0	0	0	0
Austin (7)	1	0	2	3
San Antonio (8)	2	0	0	2
Midland (9)	0	0	0	0
El Paso (10)	2	0	2	4
Edinburg (11)	1	0	3	4
State Total	10	1	8	19

Notes: