

Legal Responsibility for Child Care Licensing

Day Care and Residential Care: Statutory References

Social Security Act
 Human Resources Code, Chapters 40, 42, and 43
 Texas Family Code, Title 5
 Texas Government Code
 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, foster parents, adoptive parents, licensed administrators, home care providers and anyone 14 years or older who will regularly or frequently be present at an operation while children are in care.
- Provide technical assistance on meeting and maintaining minimum standards and encourage improvement of child care programs.

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.

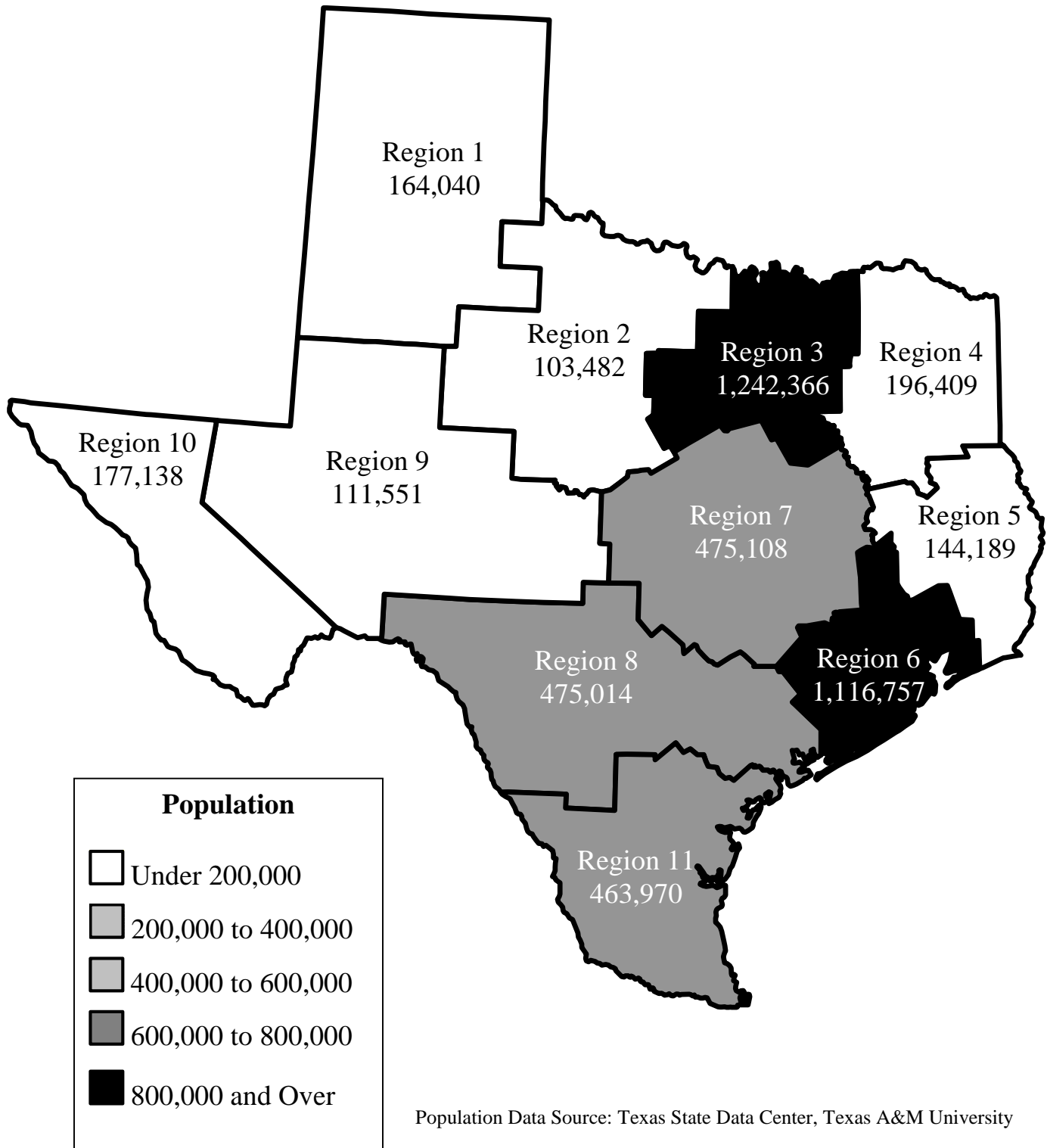
Fiscal Year 2002 Expenditures and Staffing

Fiscal Year 2002 Expenditures: \$22,985,914

396 Daycare/Residential Child Care Licensing Staff
 436 Total staff

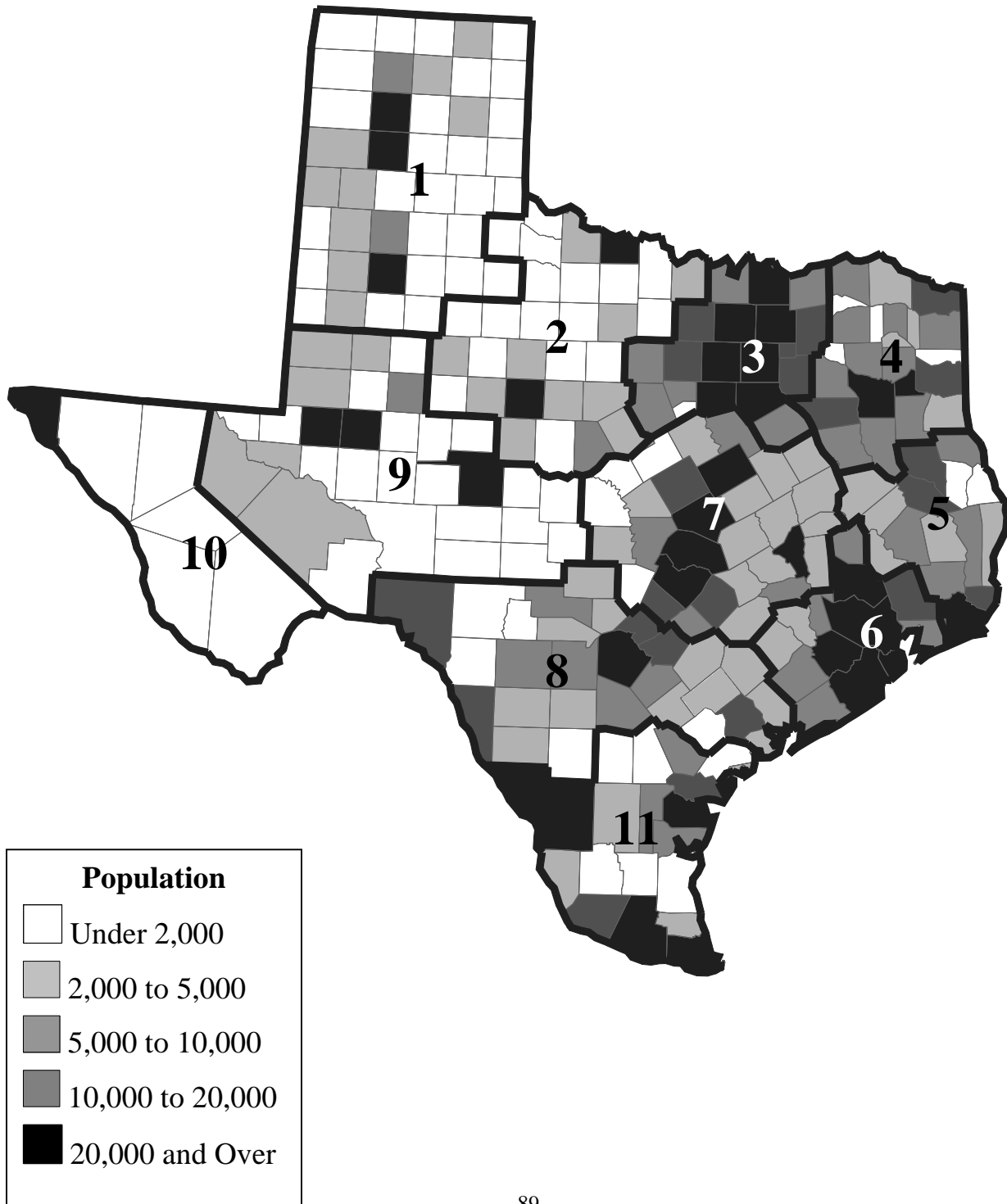
Texas Child Population Ages Birth to 13 by Region Fiscal Year 2002

State Total: 4,670,024



Texas Child Population Ages Birth to 13 by County Fiscal Year 2002

State Total: 4,670,024



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)
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
2002	10,903	9,584	3,194	8,788*	242

Complaint Investigations in Child Care Facilities Fiscal Year 2002

Facility Type	Total Number of Facilities as of August 31, 2002	Complaints Investigated**	Abuse/Neglect Complaints Investigated		
			Total	Valid	Non-valid
Day Care Licensing					
Day Care Facilities	10,903	8,483	838	137	701
Registered Family Homes	9,584	853	117	20	97
Listed Family Homes	3,194	252	7	1	6
Unknown Day Care Type	N/A	N/A	118	19	99
Totals	23,681	9,588	1,080	177	903
Residential Licensing (24-Hour Care)					
Facilities	246	755	322	44	278
Independent Foster Homes	99	36	15	1	14
CPAs and CPA Foster Homes	4,632	675	232	20	212
Child Protective Services Foster and Adoptive Homes***	4,053	76	143	22	121
Unknown Residential Type	N/A	N/A	15	1	14
Totals	9,030	1,542	727	88	639
Facility Type Unknown	NA	1,141	301	48	253
Totals - All Facility Types	32,711	12,271	2,108	313	1,795

* 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

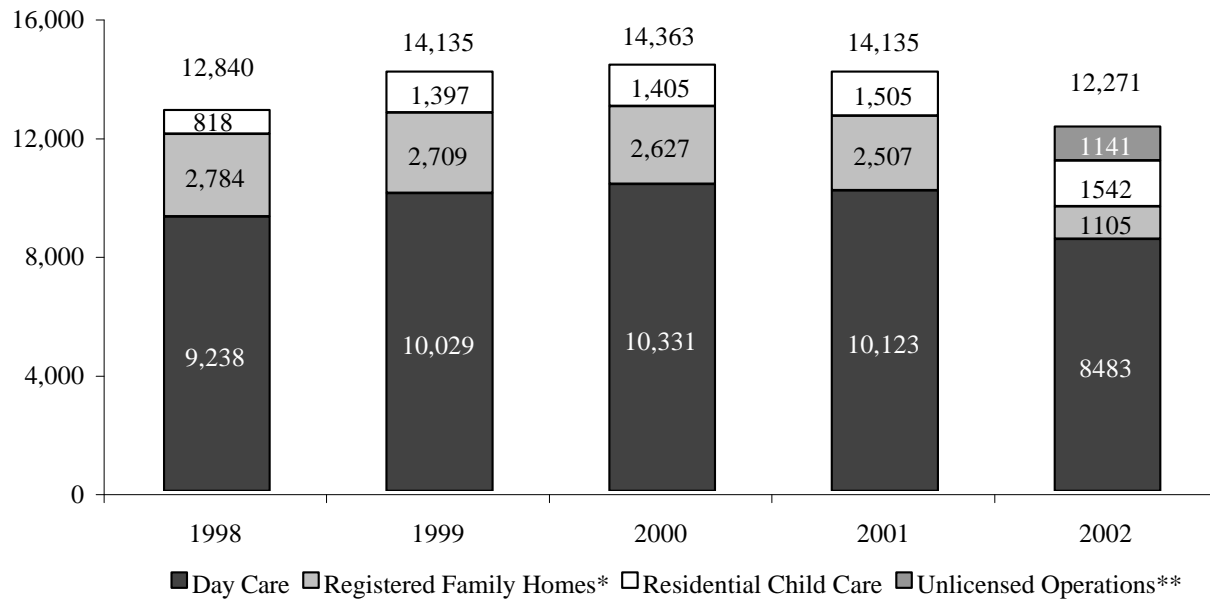
Child Care Facilities in Texas

Type of Facility	As of August 31, 2001		As of August 31, 2002		Percent Change	
	Number	Capacity	Number	Capacity	Number	Capacity
Day Care Licensing						
Drop in Centers	10	446	11	484	10.0%	8.5%
Day Care Centers	8,387	755,640	8,638	769,924	3.0%	1.9%
Kindergartens/Nursery Schools	230	14,559	223	13,650	-3.0%	-6.2%
Schools/Kindergartens and Above	56	6,002	49	5,179	-12.5%	-13.7%
Group Day Care Homes	1,920	23,002	1,982	22,193	3.2%	-3.5%
Subtotal, Licensed/Certified Facilities	10,603	799,649	10,903	811,430	2.8%	1.5%
Registered Family Homes	9,659	57,954	9,584	57,504	-0.8%	-0.8%
Listed Homes	3,439	10,317	3,194	9,582	-7.1%	-7.1%
Total Day Care Facilities and Homes	23,701	867,920	23,681	878,516	-0.1%	1.2%
Residential Licensing (24-Hour Care)						
Independent Foster Group Homes	35	551	48	347	37.1%	-37.0%
Independent Foster Family Homes	48	181	51	139	6.3%	-23.2%
Institutions Providing Basic Care	67	4,619	67	4,482	0.0%	-3.0%
Institutions Serving Mentally Retarded Children	6	205	3	144	-50.0%	-29.8%
Emergency Shelters	65	1,553	72	1,637	10.8%	5.4%
Halfway Houses	0	0	1	N/A	N/A	N/A
Residential Treatment Centers	77	3,821	85	3,487	10.4%	-8.7%
Therapeutic Camps	9	604	6	372	-33.3%	-38.4%
Subtotal, Residential Facilities	307	11,534	333	10,608	8.5%	-8.0%
Child Placing Agencies*	225	N/A	242	N/A	7.6%	N/A
Agency Foster Homes	3,401	11,809	3,864	13,150	13.6%	11.4%
Agency Foster Group Homes	391	3,562	526	4,981	34.5%	39.8%
CPS** Foster Homes	3,413	10,118	3,432	9,994	0.6%	-1.2%
CPS Foster Group Homes	86	529	87	538	1.2%	1.7%
CPS Adoptive Homes	488	N/A	534	N/A	9.4%	N/A
Subtotal, Homes	7,779	26,018	8,443	28,663	8.5%	10.2%
Maternity Homes	10	N/A	12	112	20.0%	N/A
Total Residential	8,321	37,552	9,030	39,383	8.5%	4.9%
Child Care Administrators	1,040	N/A	1,045	N/A	0.5%	N/A

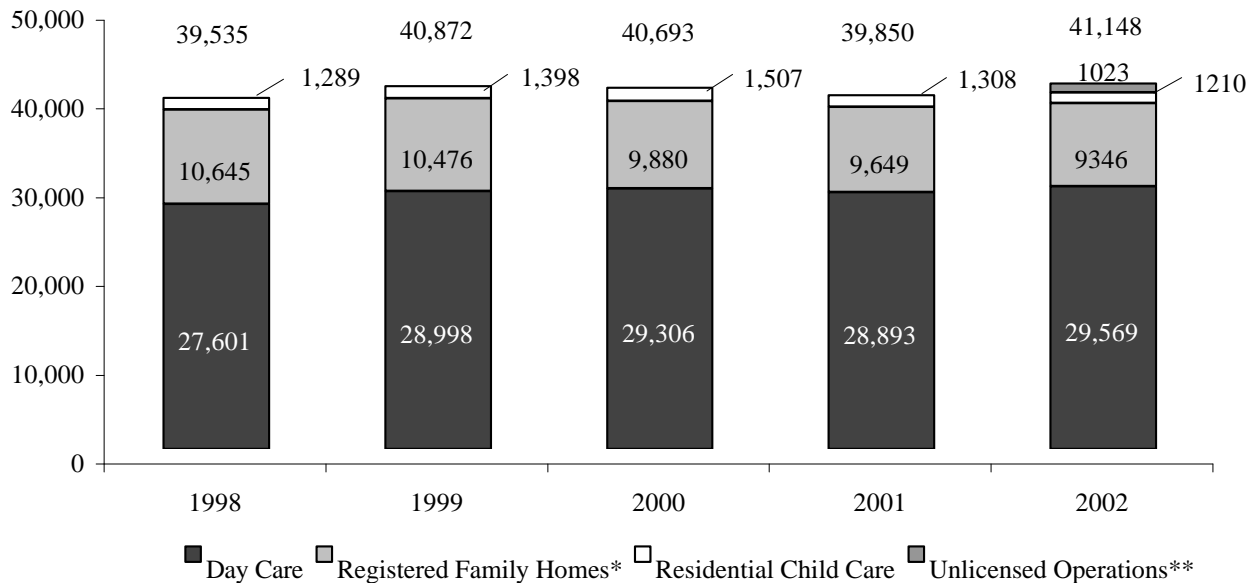
* Child Placing Agencies validate and assure that agency homes meet standards.

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

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.

**Data on unlicensed operations was not available for previous years.

Facilities and Homes Regulated by Fiscal Year

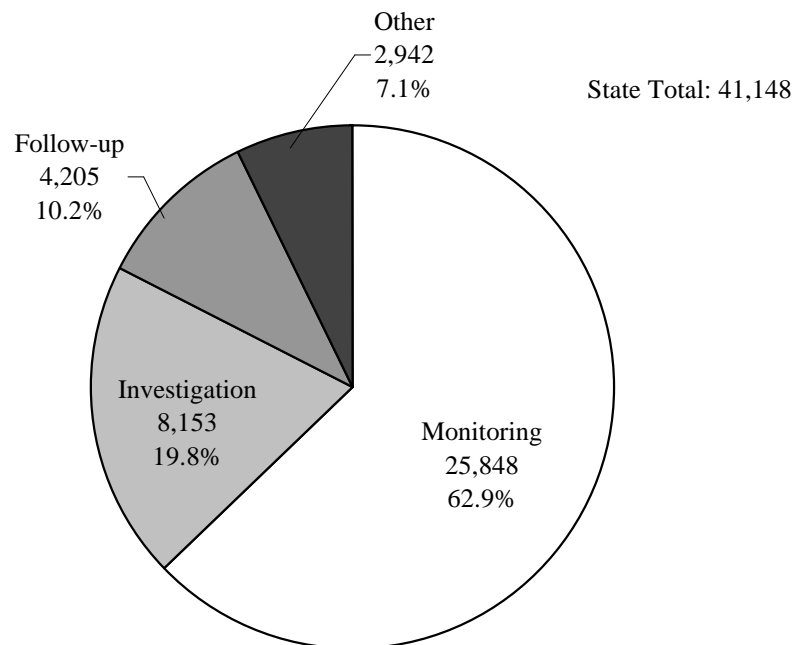
Day Care Facilities Licensed	1999	2000	2001	2002
Lubbock (1)	452	458	459	469
Abilene (2)	333	333	327	326
Arlington (3)	2,442	2,475	2,528	2,569
Tyler (4)	469	458	473	465
Beaumont (5)	309	315	309	312
Houston (6)	2,248	2,286	2,318	2,354
Austin (7)	1,361	1,378	1,411	1,446
San Antonio (8)	968	996	1,015	1,038
Midland (9)	286	289	280	316
El Paso (10)	512	535	533	536
Edinburg (11)	829	878	950	1,065
Unknown	0	0	0	7
Total	10,209	10,401	10,603	10,903
Registered Family Homes	1999	2000	2001	2002
Lubbock (1)	392	396	370	350
Abilene (2)	305	297	286	256
Arlington (3)	3,200	3,080	2,973	2,999
Tyler (4)	283	239	229	206
Beaumont (5)	156	152	123	120
Houston (6)	2,709	2,666	2,620	2,702
Austin (7)	1,293	1,255	1,208	1,080
San Antonio (8)	970	968	928	974
Midland (9)	123	115	113	109
El Paso (10)	134	107	93	84
Edinburg (11)	787	699	716	698
Unknown	0	0	0	6
Total	10,352	9,974	9,659	9,584
Listed Family Homes	1999	2000	2001	2002
Lubbock (1)	242	289	324	297
Abilene (2)	115	155	113	92
Arlington (3)	596	788	1,039	1,039
Tyler (4)	97	109	123	128
Beaumont (5)	53	65	91	70
Houston (6)	166	195	304	323
Austin (7)	475	738	947	703
San Antonio (8)	138	211	212	232
Midland (9)	106	112	77	78
El Paso (10)	51	68	73	76
Edinburg (11)	39	61	136	154
Unknown	0	0	0	2
Total	2,078	2,791	3,439	3,194
Residential Licensing (24-Hour Care)*	1999	2000	2001	2002
Lubbock (1)	218	225	236	289
Abilene (2)	161	191	207	227
Arlington (3)	641	701	765	918
Tyler (4)	106	120	149	171
Beaumont (5)	87	90	100	108
Houston (6)	975	1,093	1,257	1,428
Austin (7)	605	636	644	701
San Antonio (8)	428	465	528	530
Midland (9)	63	67	67	83
El Paso (10)	89	83	97	173
Edinburg (11)	192	236	283	345
Unknown	2	1	1	4
Total	3,567	3,908	4,334	4,977

* Does not include CPS Foster and Adoptive Homes

Investigations in Regulated Child Care Facilities Fiscal Year 2002

Region	Day Care Facilities and Registered Family Homes	Residential (24-Hour) Facilities	Unlicensed	Total
Lubbock (1)	465	67	88	620
Abilene (2)	309	13	44	366
Arlington (3)	2,841	197	328	3,366
Tyler (4)	558	54	84	696
Beaumont (5)	304	17	32	353
Houston (6)	1,766	520	235	2,521
Austin (7)	1,299	322	171	1,792
San Antonio (8)	1,169	191	77	1,437
Midland (9)	196	15	23	234
El Paso (10)	241	45	18	304
Edinburg (11)	433	101	30	564
Other/Unknown	7	0	11	18
State Total	9,588	1,542	1,141	12,271

Inspections in Regulated Child Care Facilities by Type of Inspection Fiscal Year 2002



Adverse Actions in Day Care Facilities by Region Fiscal Year 2002

Region	Licenses Denied		Licenses Revoked		Licenses Suspended		Total Adverse Actions
	Day Care	Registered Family Home	Day Care	Registered Family Home	Day Care	Registered Family Home	
Lubbock (1)	1	0	4	1	1	0	7
Abilene (2)	0	1	0	0	2	0	3
Arlington (3)	1	2	1	1	1	5	11
Tyler (4)	0	0	0	0	0	0	0
Beaumont (5)	1	0	1	0	1	0	3
Houston (6)	2	2	4	2	2	1	13
Austin (7)	1	0	3	1	6	0	11
San Antonio (8)	3	3	1	4	1	1	13
Midland (9)	0	1	0	1	1	0	3
El Paso (10)	1	0	1	0	0	0	2
Edinburg (11)	2	1	1	0	0	0	4
State Total	12	10	16	10	15	7	70*

* Does not include 1 Legal Injunction on a Registered Family Home.

Corrective Actions in Day Care Facilities by Region Fiscal Year 2002

Region	Evaluation		Probations		Total Corrective Actions
	Day Care	Registered Family Home	Day Care	Registered Family Home	
Lubbock (1)	0	1	5	1	7
Abilene (2)	0	0	2	1	3
Arlington (3)	24	1	7	0	32
Tyler (4)	3	0	4	1	8
Beaumont (5)	2	1	0	0	3
Houston (6)	32	1	11	2	46
Austin (7)	27	4	10	2	43
San Antonio (8)	5	1	20	2	28
Midland (9)	1	0	1	0	2
El Paso (10)	0	0	2	0	2
Edinburg (11)	2	1	1	1	5
State Total	96	10	63	10	179

Licensing of Day Care Facilities by Region Fiscal Year 2002

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)	75	57	77	87	75
Abilene (2)	54	49	56	51	33
Arlington (3)	338	311	660	570	370
Tyler (4)	73	83	54	55	43
Beaumont (5)	52	61	31	39	42
Houston (6)	326	310	597	522	172
Austin (7)	212	210	256	300	276
San Antonio (8)	106	129	252	253	101
Midland (9)	51	37	34	28	19
El Paso (10)	62	71	11	13	19
Edinburg (11)	215	194	146	125	7
Unknown	0	0	1	0	33
State Total	1,564	1,512	2,175	2,043	1,190

Licensing of Residential (24-Hour) Facilities by Region Fiscal Year 2002

Region	Applications Accepted	Provisional Licenses Issued (New)
Lubbock (1)	0	1
Abilene (2)	1	1
Arlington (3)	10	15
Tyler (4)	4	2
Beaumont (5)	1	0
Houston (6)	18	24
Austin (7)	7	8
San Antonio (8)	13	14
Midland (9)	2	3
El Paso (10)	1	2
Edinburg (11)	1	0
State Total	58	70

Adverse Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2002

Region	Licenses Denied	Licenses Revoked	Licenses Suspended	Total Adverse Actions
Lubbock (1)	0	0	0	0
Abilene (2)	0	0	1	1
Arlington (3)	0	0	1	1
Tyler (4)	0	0	0	0
Beaumont (5)	0	0	2	2
Houston (6)	1	1	1	3
Austin (7)	0	0	1	1
San Antonio (8)	0	0	4	4
Midland (9)	0	0	0	0
El Paso (10)	0	0	0	0
Edinburg (11)	0	0	0	0
State Total	1	1	10	12*

* Does not include 1 Legal Injunction in Region 4.

Corrective Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2002

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

Notes: