

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 DFPS 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.

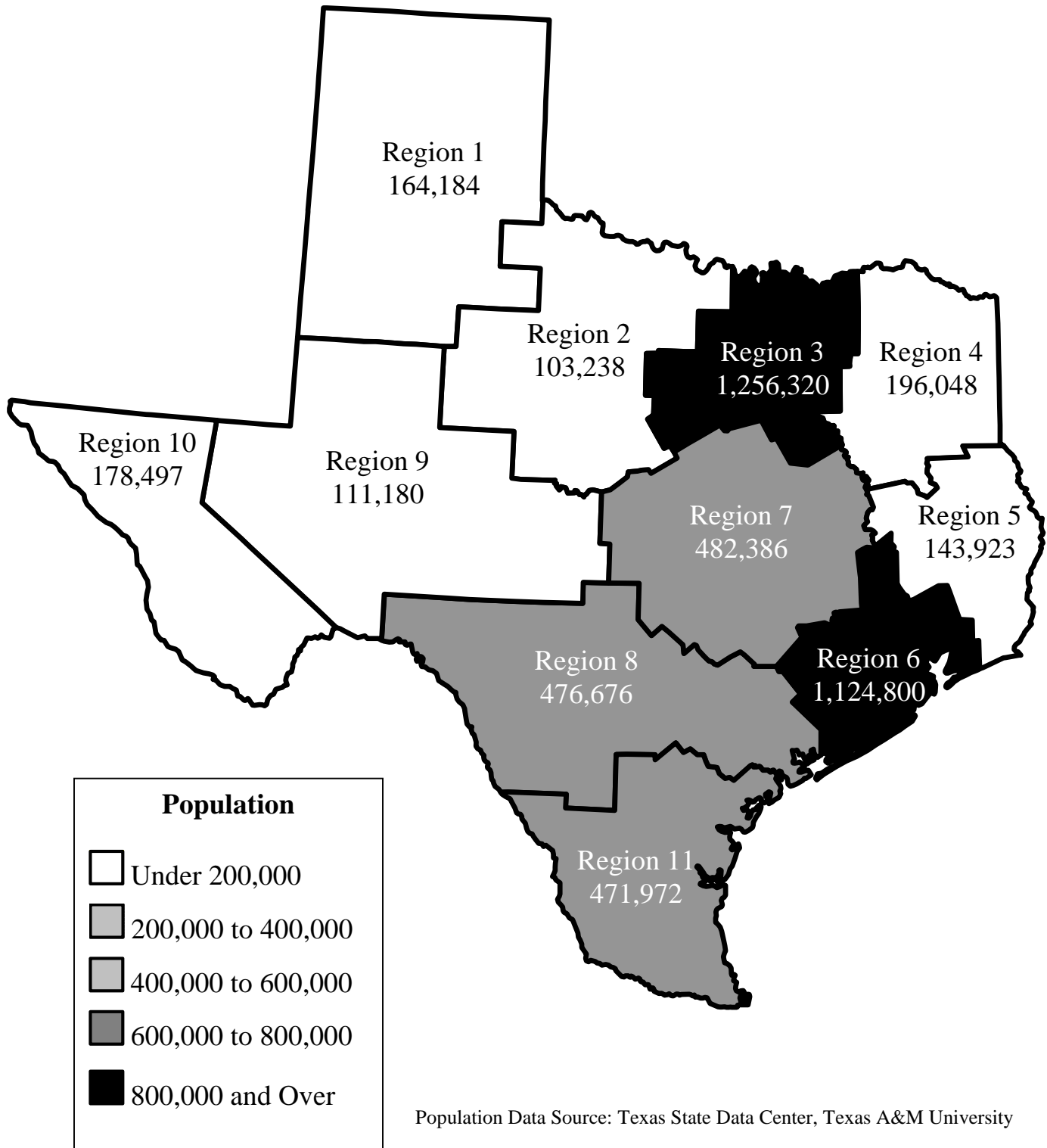
Fiscal Year 2003 Expenditures and Staffing

Fiscal Year 2003 Expenditures: \$23,989,393

408 Daycare/Residential Child Care Licensing Staff
 452 Total staff

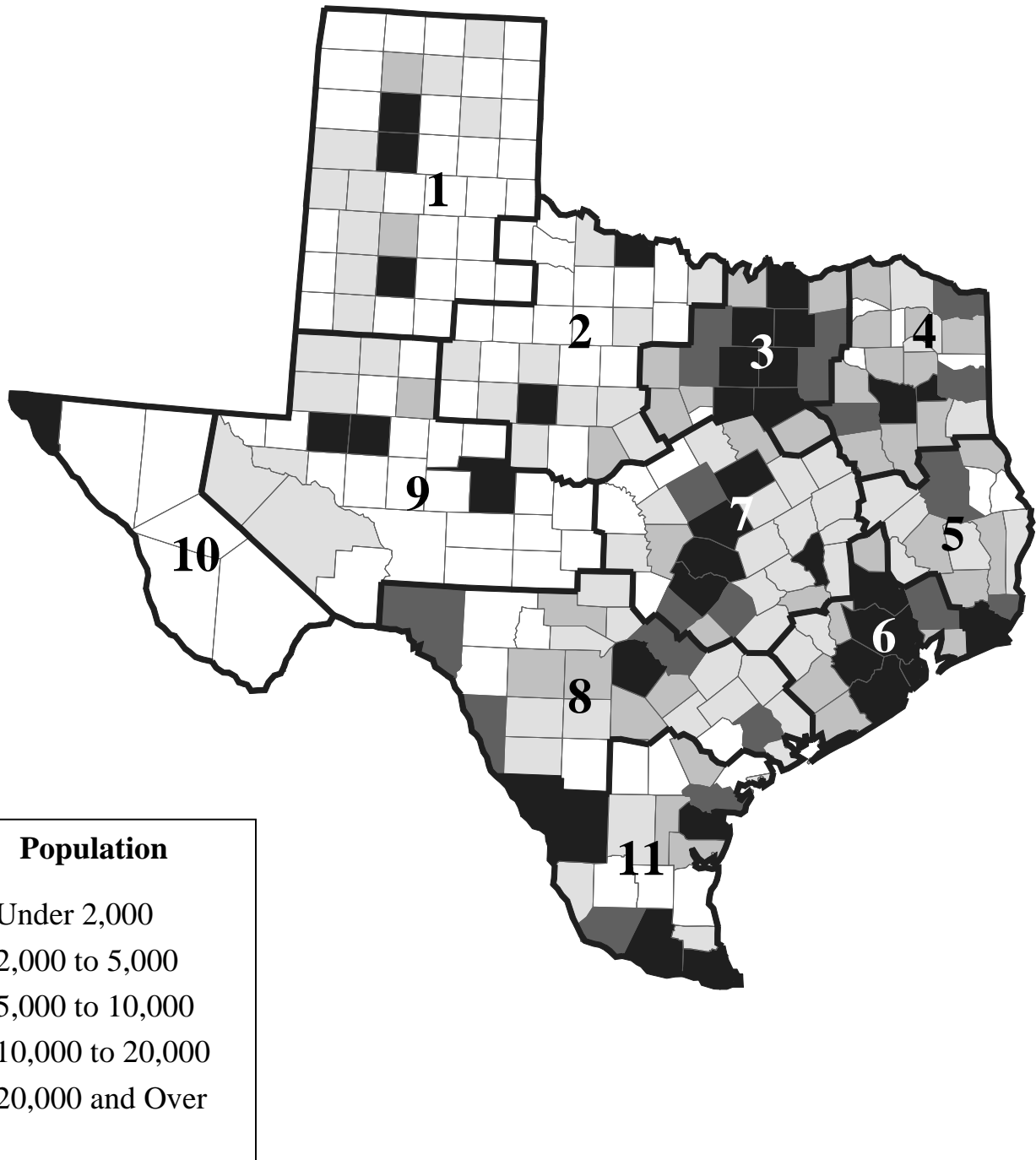
Texas Child Population Ages Birth to 13 by Region Fiscal Year 2003

State Total: 4,709,224



Texas Child Population Ages Birth to 13 by County Fiscal Year 2003

State Total: 4,709,224



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)
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
2003	10,938	9,355	3,366	8,950*	249

Complaint Investigations in Child Care Facilities Fiscal Year 2003

Facility Type	Total Number of Facilities as of August 31, 2003	Complaints Investigated**	Abuse/Neglect Complaints Investigated		
			Total	Valid	Non-valid
Day Care Licensing					
Day Care Facilities	10,938	9,165	1,162	190	972
Registered Family Homes	9,355	875	127	20	107
Listed Family Homes	3,366	347	9	2	7
Unknown Day Care Type	N/A	N/A	9	1	8
Totals	23,659	10,387	1,307	213	1,094
Residential Licensing (24-Hour Care)					
Facilities	268	976	378	40	338
Independent Foster Homes	107	50	20	4	16
CPAs and CPA Foster Homes	4,919	1,397	381	31	350
Child Protective Services Foster and Adoptive Homes***	3,905	372	173	23	150
Unknown Residential Type	N/A	N/A	14	0	14
Totals	9,199	2,795	966	98	868
Facility Type Unknown	NA	1,184	311	66	245
Totals - All Facility Types	32,858	14,366	2,584	377	2,207

* 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.

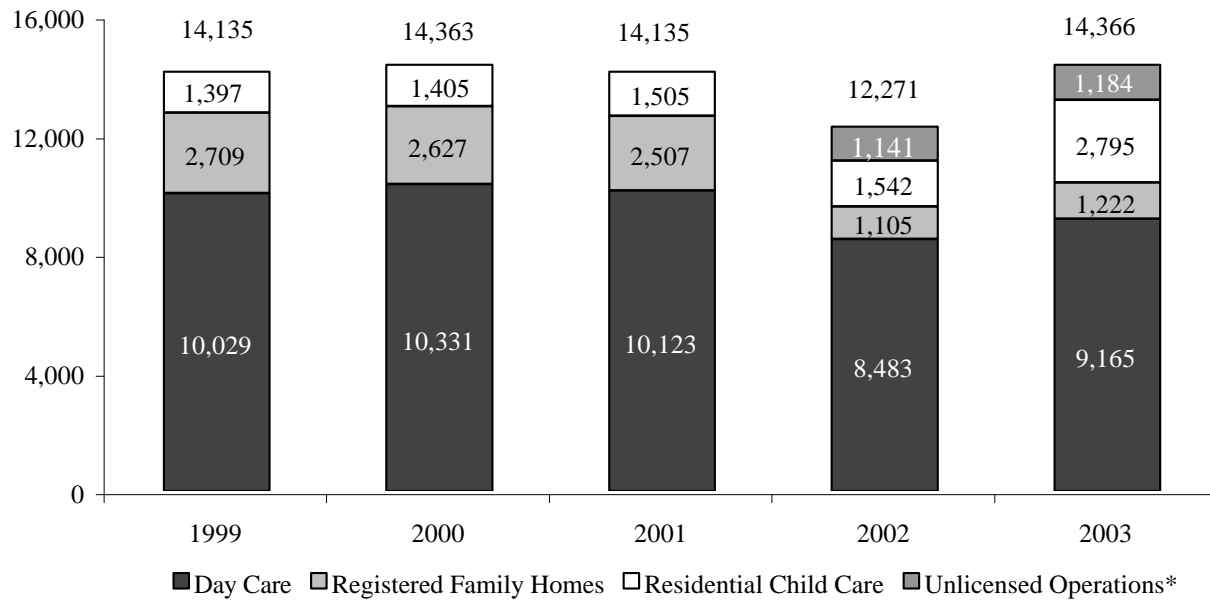
Child Care Facilities in Texas as of August 31

Type of Facility	2002		2003	
	Number	Capacity	Number	Capacity
Day Care Licensing				
Drop in Centers	11	484	N/A	N/A
Day Care Centers	8,638	769,924	9,014	820,728
Kindergartens/Nursery Schools	223	13,650	N/A	N/A
Schools/Kindergartens and Above	49	5,179	N/A	N/A
Group Day Care Homes	1,982	22,193	1,924	22,649
Subtotal, Licensed/Certified Facilities	10,903	811,430	10,938	843,377
Registered Family Homes	9,584	57,504	9,355	56,130
Listed Homes	3,194	9,582	3,366	10,098
Total Day Care Facilities and Homes	23,681	878,516	23,659	909,605
Residential Licensing (24-Hour Care)				
Independent Foster Group Homes	48	347	56	429
Independent Foster Family Homes	51	139	51	156
Institutions Providing Basic Care	67	4,482	67	4,497
Institutions Serving Mentally Retarded Children	3	144	4	138
Emergency Shelters	72	1,637	77	1,961
Halfway Houses	1	N/A	0	0
Residential Treatment Centers	85	3,487	97	4,217
Therapeutic Camps	6	372	8	404
Subtotal, Residential Facilities	333	10,608	360	11,802
Child Placing Agencies*	242	N/A	249	N/A
Agency Foster Homes	3,864	13,150	4,111	14,498
Agency Foster Group Homes	526	4,981	559	5,222
CPS** Foster Homes	3,432	9,994	3,254	9,428
CPS Foster Group Homes	87	538	83	533
CPS Adoptive Homes	534	N/A	568	N/A
Subtotal, Homes	8,443	28,663	8,575	29,681
Maternity Homes	12	112	15	148
Total Residential	9,030	39,383	9,199	41,631
Child Care Administrators	1,045	N/A	980	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



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

Investigations in Regulated Child Care Facilities Fiscal Year 2003

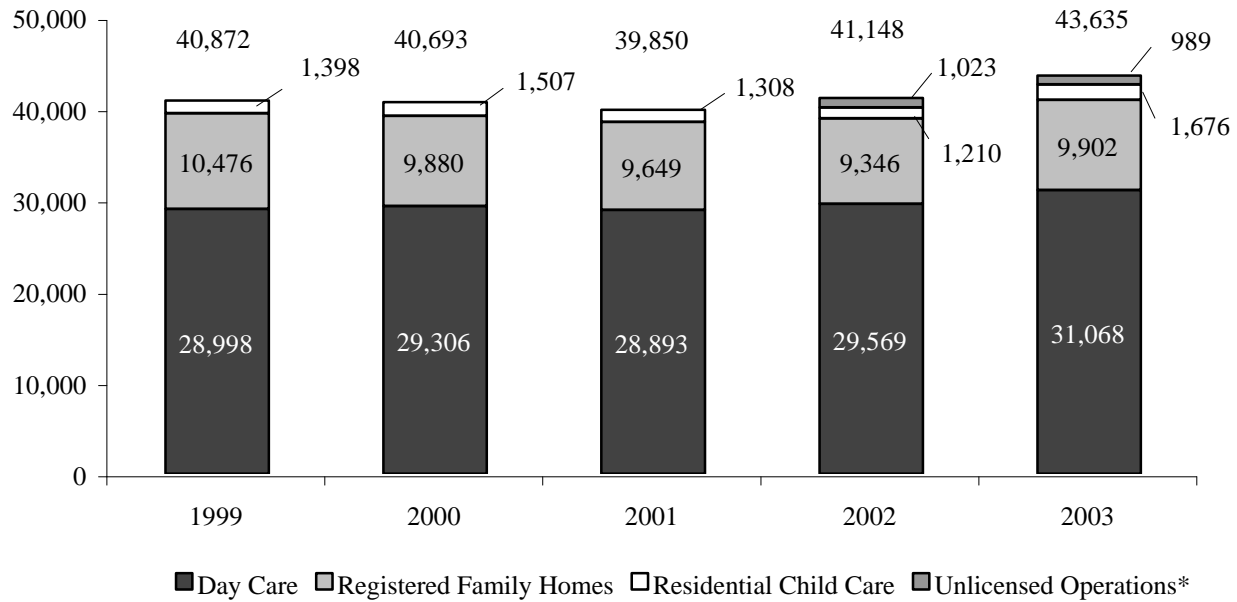
Region	Day Care Facilities and Registered Family Homes	Residential (24-Hour) Facilities	Unlicensed	Total
Lubbock (1)	600	138	79	817
Abilene (2)	372	113	48	533
Arlington (3)	2,969	317	398	3,684
Tyler (4)	549	157	44	750
Beaumont (5)	295	33	36	364
Houston (6)	2,011	740	216	2,967
Austin (7)	1,202	460	145	1,807
San Antonio (8)	1,310	475	119	1,904
Midland (9)	200	51	28	279
El Paso (10)	266	37	22	325
Edinburg (11)	613	274	48	935
Other/Unknown	0	0	1	1
State Total	10,387	2,795	1,184	14,366

Facilities and Homes Regulated by Fiscal Year

Day Care Facilities Licensed	2000	2001	2002	2003
Lubbock (1)	458	459	469	459
Abilene (2)	333	327	326	318
Arlington (3)	2,475	2,528	2,569	2,546
Tyler (4)	458	473	465	482
Beaumont (5)	315	309	312	301
Houston (6)	2,286	2,318	2,354	2,380
Austin (7)	1,378	1,411	1,446	1,429
San Antonio (8)	996	1,015	1,038	1,071
Midland (9)	289	280	316	283
El Paso (10)	535	533	536	540
Edinburg (11)	878	950	1,065	1,127
Unknown	0	0	7	2
Total	10,401	10,603	10,903	10,938
Registered Family Homes	2000	2001	2002	2003
Lubbock (1)	396	370	350	295
Abilene (2)	297	286	256	225
Arlington (3)	3,080	2,973	2,999	2,889
Tyler (4)	239	229	206	199
Beaumont (5)	152	123	120	116
Houston (6)	2,666	2,620	2,702	2,871
Austin (7)	1,255	1,208	1,080	1,016
San Antonio (8)	968	928	974	955
Midland (9)	115	113	109	91
El Paso (10)	107	93	84	81
Edinburg (11)	699	716	698	617
Unknown	0	0	6	0
Total	9,974	9,659	9,584	9,355
Listed Family Homes	2000	2001	2002	2003
Lubbock (1)	289	324	297	261
Abilene (2)	155	113	92	111
Arlington (3)	788	1,039	1,039	1,122
Tyler (4)	109	123	128	133
Beaumont (5)	65	91	70	71
Houston (6)	195	304	323	376
Austin (7)	738	947	703	668
San Antonio (8)	211	212	232	298
Midland (9)	112	77	78	96
El Paso (10)	68	73	76	76
Edinburg (11)	61	136	154	150
Unknown	0	0	2	4
Total	2,791	3,439	3,194	3,366
Residential Licensing (24-Hour Care)*	2000	2001	2002	2003
Lubbock (1)	225	236	289	289
Abilene (2)	191	207	227	208
Arlington (3)	701	765	918	1,025
Tyler (4)	120	149	171	184
Beaumont (5)	90	100	108	121
Houston (6)	1,093	1,257	1,428	1,493
Austin (7)	636	644	701	728
San Antonio (8)	465	528	530	611
Midland (9)	67	67	83	89
El Paso (10)	83	97	173	162
Edinburg (11)	236	283	345	381
Unknown	1	1	4	3
Total	3,908	4,334	4,977	5,294

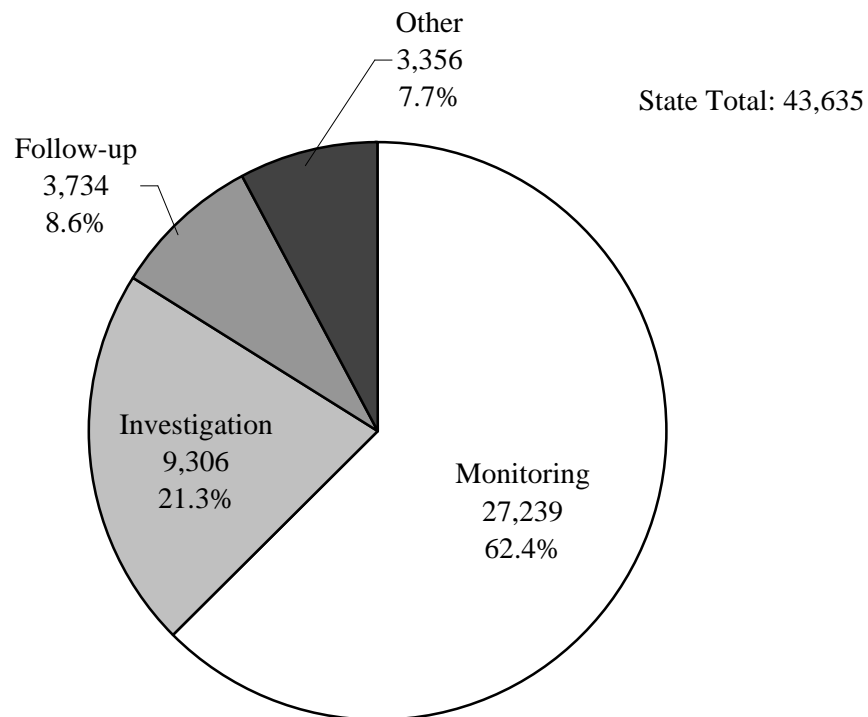
* Does not include CPS Foster and Adoptive Homes

Child Care Facility Inspections by Fiscal Year



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

Inspections in Regulated Child Care Facilities by Type Fiscal Year 2003



Adverse Actions in Day Care Facilities by Region Fiscal Year 2003

Region	Licenses Denied		Licenses Revoked		Licenses Suspended		Legal Injunctions		Total Adverse Actions
	Day Care	RFH	Day Care	RFH	Day Care	RFH	Day Care	RFH	
Lubbock (1)	1	0	0	1	1	11	0	0	14
Abilene (2)	0	1	0	1	0	4	0	0	6
Arlington (3)	1	2	3	10	2	3	0	2	23
Tyler (4)	2	0	0	0	1	0	0	0	3
Beaumont (5)	0	0	0	0	1	0	0	0	1
Houston (6)	8	0	0	2	3	14	0	0	27
Austin (7)	0	1	1	2	2	1	0	1	8
San Antonio (8)	2	2	2	3	1	3	1	0	14
Midland (9)	1	0	1	0	1	1	0	0	4
El Paso (10)	1	0	0	0	0	0	0	0	1
Edinburg (11)	1	0	0	1	1	0	0	0	3
State Total	17	6	7	20	13	37	1	3	104

Corrective Actions in Day Care Facilities by Region Fiscal Year 2003

Region	Evaluations		Probations		Total Corrective Actions
	Day Care	RFH	Day Care	RFH	
Lubbock (1)	1	1	0	0	2
Abilene (2)	3	0	1	0	4
Arlington (3)	12	1	8	1	22
Tyler (4)	2	0	2	1	5
Beaumont (5)	2	0	2	1	5
Houston (6)	11	0	5	0	16
Austin (7)	30	2	1	1	34
San Antonio (8)	4	1	13	0	18
Midland (9)	0	0	1	0	1
El Paso (10)	0	0	0	0	0
Edinburg (11)	7	1	2	0	10
State Total	72	6	35	4	117

Note: RFH is Registered Family Home.

Licensing of Day Care Facilities by Region Fiscal Year 2003

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)	77	67	127	56	60
Abilene (2)	74	63	113	61	45
Arlington (3)	412	275	1,093	577	437
Tyler (4)	105	84	100	49	49
Beaumont (5)	52	41	48	27	22
Houston (6)	393	319	930	730	141
Austin (7)	243	172	525	222	279
San Antonio (8)	124	111	377	241	114
Midland (9)	64	37	60	21	43
El Paso (10)	70	62	24	8	13
Edinburg (11)	237	220	142	104	34
Unknown	1	0	0	0	0
State Total	1,852	1,451	3,539	2,096	1,237

Licensing of Residential (24-Hour) Facilities by Region Fiscal Year 2003

Region	Applications Accepted	Provisional Licenses Issued (New)
Lubbock (1)	3	2
Abilene (2)	0	1
Arlington (3)	10	11
Tyler (4)	3	2
Beaumont (5)	3	5
Houston (6)	24	30
Austin (7)	14	6
San Antonio (8)	12	15
Midland (9)	2	0
El Paso (10)	1	2
Edinburg (11)	1	1
State Total	73	75

Adverse Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2003

Region	Licenses Denied	Licenses Revoked	Licenses Suspended	Total Adverse Actions
Lubbock (1)	0	0	1	1
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	1	1
San Antonio (8)	0	1	1	2
Midland (9)	0	0	1	1
El Paso (10)	0	0	0	0
Edinburg (11)	0	0	0	0
State Total	0	1	4	5

Corrective Actions in Residential (24-Hour) Facilities by Region Fiscal Year 2003

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

Notes: