

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 to promote the health, safety and well being of children in out-of-home care.
- Process applications and issue permits to child care operations (this is a term inclusive of child day care, residential child care, and child-placing operations) meeting minimum standards.
- Inspect child care operations to ensure they maintain compliance with minimum standards.
- Investigate complaints of abuse/neglect or standard violations and ensure appropriate corrective or adverse actions are taken.
- Conduct criminal background checks and DFPS central registry checks on all adult staff or caregivers, and youth age 14 – 18 who will be in frequent or regular contact with children in child-care operations.
- Provide technical assistance on compliance with minimum standards and encourage improvement of child-care operations.
- Educate and advise consumers of child-care operations by providing the operations’ compliance history .

Challenges:

- Promptly and thoroughly investigate reports of abuse/neglect and standard violations.
- Appropriately and consistently enforcing minimum standards across operation type and throughout the state.
- Regulating Child-Placing Agencies as they grow in size and scope.
- Creating a system of weighted minimum standards in order to help quantify compliance.
- Support the complex needs of operations serving troubled and abused children in residential care.
- Meet the growing training and technical assistance needs of the child-care community.
- Develop inclusive, appropriate, and effective relationships with child-care operations resulting in increased compliance and stronger protection for children.

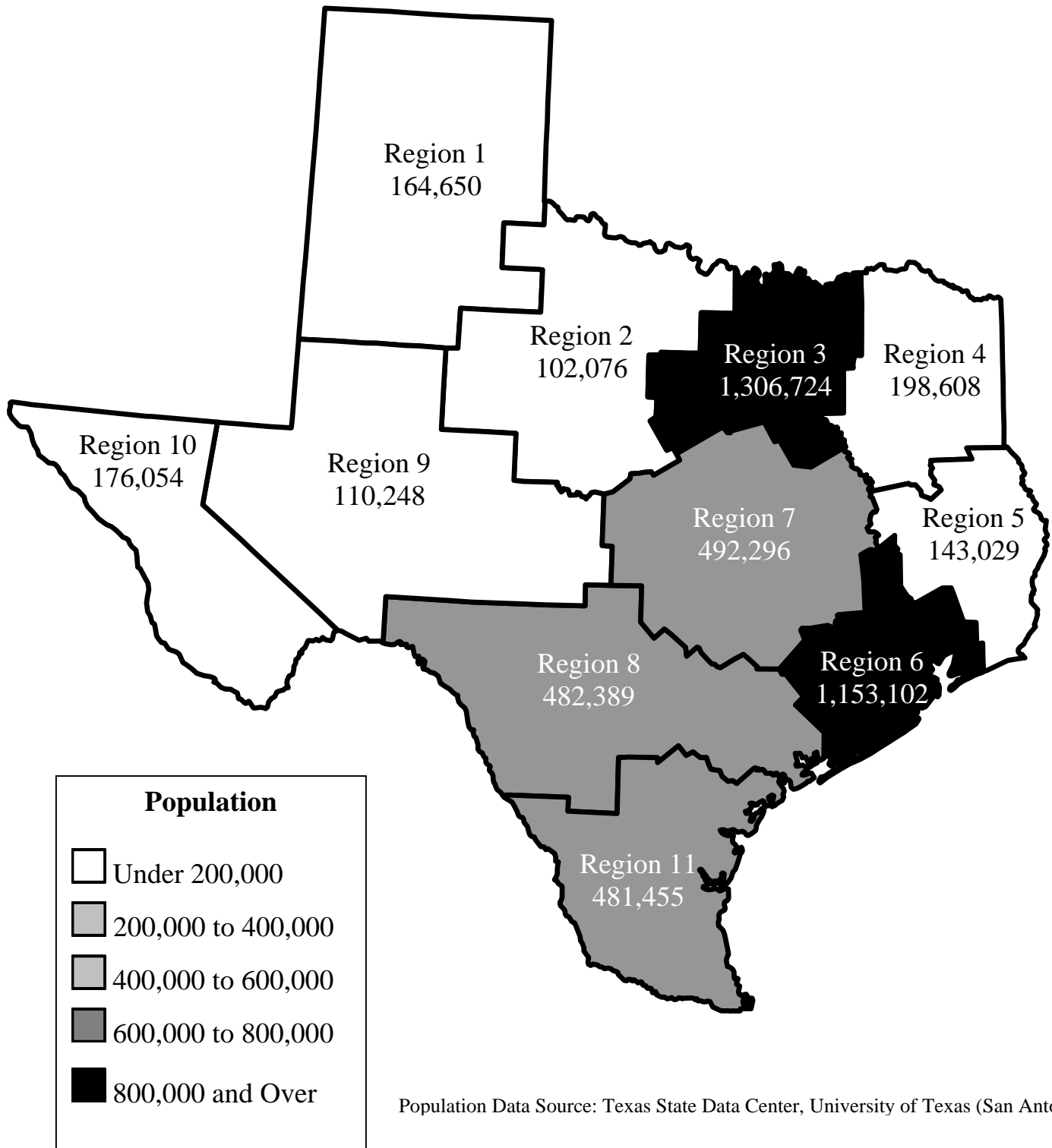
Fiscal Year 2004 Expenditures and Staffing

Licensing Staff Costs \$19,450,256

351 Daycare/Residential Child Care Licensing Staff
 399 Total staff

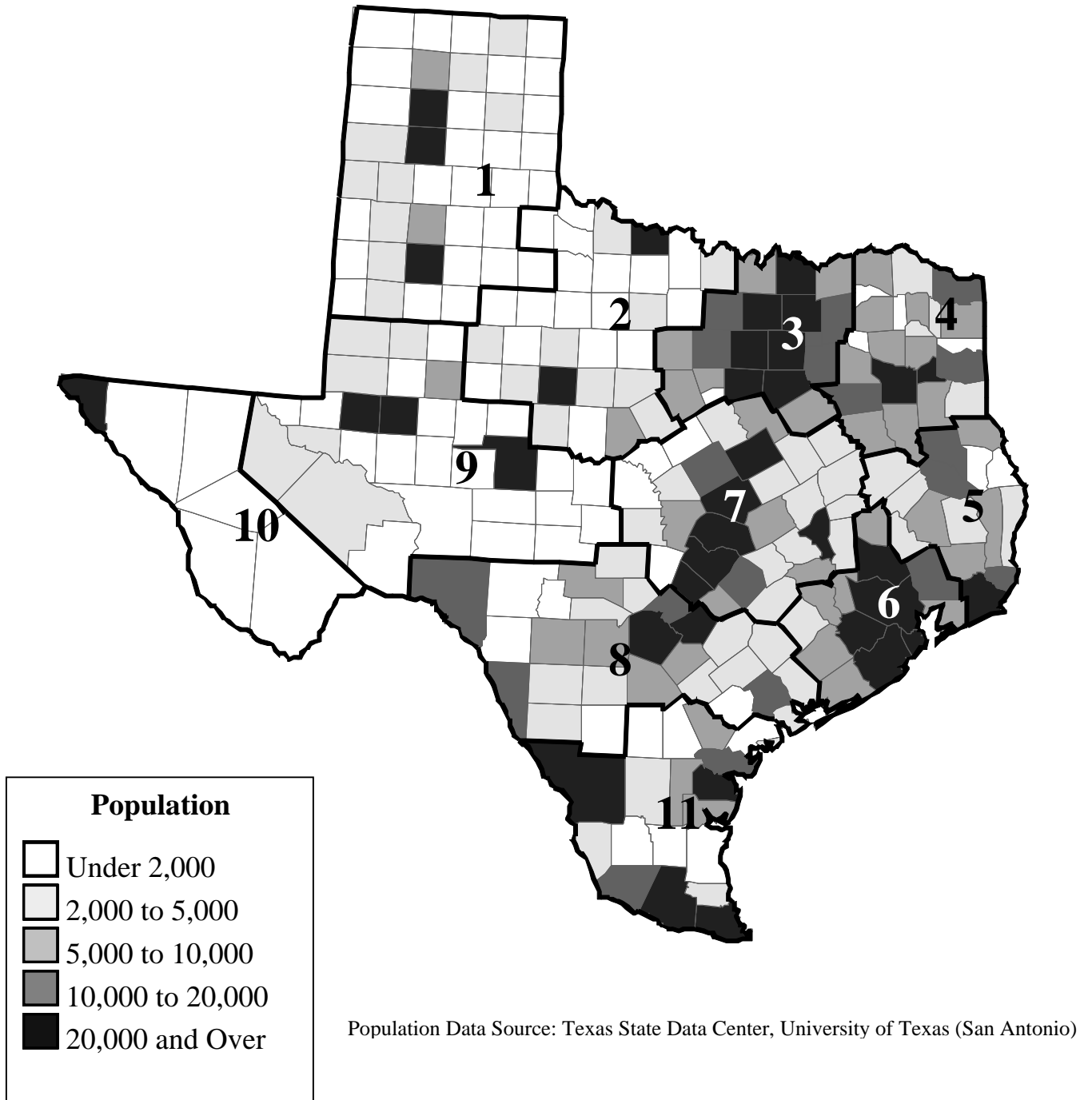
Texas Child Population Ages Birth to 13 by Region Fiscal Year 2004

State Total: 4,810,631



Texas Child Population Ages Birth to 13 by County Fiscal Year 2004

State Total: 4,810,631



Child Care Operations 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)
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
2004	10,621	8,422	3,845	9,033*	275

Complaint Investigations in Child Care Operations Fiscal Year 2004

Operation Type	Total Number of Operations as of August 31, 2004	Complaints Investigated**	Abuse/Neglect Complaints Investigated		
			Total	Valid	Non-valid
Day Care Licensing					
Day Care Facilities	10,621	8,881	978	179	799
Registered Family Homes	8,422	773	110	14	96
Listed Family Homes	3,845	318	4	1	3
Unknown Day Care Type	N/A	N/A	23	4	19
Totals	22,888	9,972	1,115	198	917
Residential Licensing (24-Hour Care)					
Facilities	247	992	590	86	504
Independent Foster Homes	56	38	10	0	10
CPAs and CPA Foster Homes	5,181	1,443	407	24	383
Child Protective Services Foster and Adoptive Homes***	3,824	868	156	19	137
Unknown Residential Type	N/A	N/A	3	1	2
Totals	9,308	3,341	1,166	130	1,036
Facility Type Unknown	NA	1,092	0	0	0
Totals - All Operation Types	32,196	14,405	2,281	328	1,953

* 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.

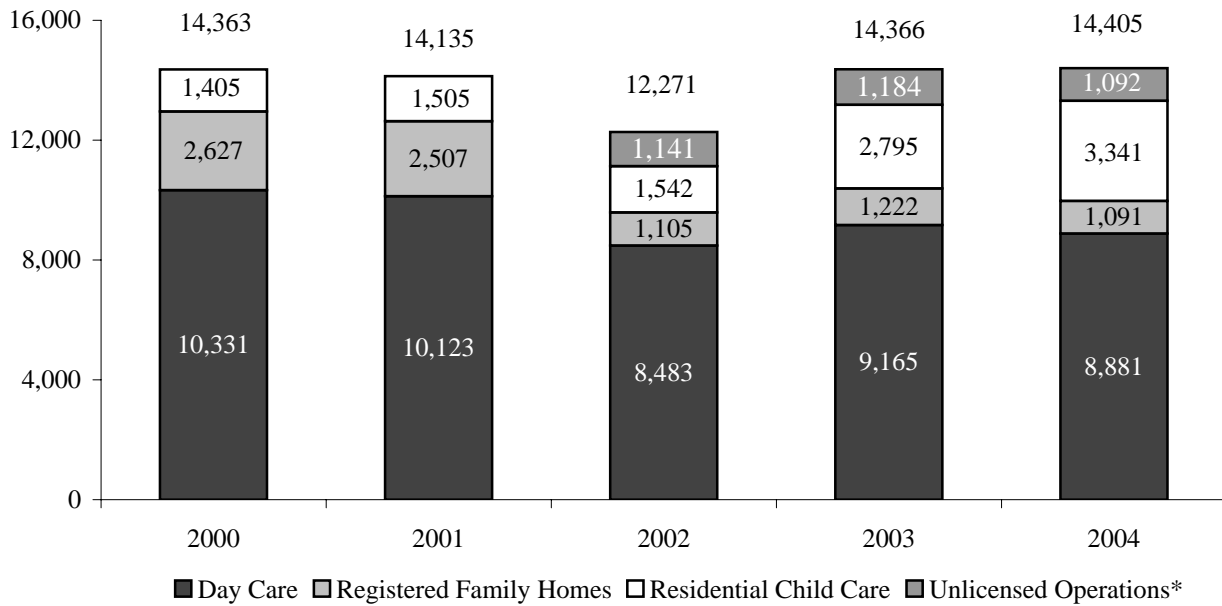
Child Care Operations in Texas as of August 31

Type of Operation	2003		2004	
	Number	Capacity	Number	Capacity
Day Care Licensing				
Day Care Centers	9,014	820,728	8,889	820,360
Group Day Care Homes	1,924	22,649	1,732	20,667
Subtotal, Licensed/Certified Operations	10,938	843,377	10,621	841,027
Registered Family Homes	9,355	56,130	8,422	50,532
Listed Homes	3,366	10,098	3,845	11,535
Total Day Care Operations and Homes	23,659	909,605	22,888	903,094
Residential Licensing (24-Hour Care)				
Independent Foster Group Homes	56	429	18	200
Independent Foster Family Homes	51	156	38	98
Institutions Providing Basic Care	67	4,497	69	4,523
Institutions Serving Mentally Retarded Children	4	138	3	138
Emergency Shelters	77	1,961	64	1,751
Residential Treatment Centers	97	4,217	88	3,843
Therapeutic Camps	8	404	7	356
Subtotal, Residential Operations	360	11,802	287	10,909
Child Placing Agencies*	249		275	N/A
Agency Foster Homes	4,111	14,498	4,306	15,484
Agency Foster Group Homes	559	5,222	600	5,476
CPS** Foster Homes	3,254	9,428	3,090	8,867
CPS Foster Group Homes	83	533	85	555
CPS Adoptive Homes	568	N/A	649	N/A
Subtotal, Homes	8,575	29,681	8,730	30,382
Maternity Homes	15	148	16	199
Total Residential	9,199	41,631	9,308	41,490
Child Care Administrators	980	N/A	861	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 Operation Investigations by Fiscal Year



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

Investigations in Regulated Child Care Operations Fiscal Year 2004

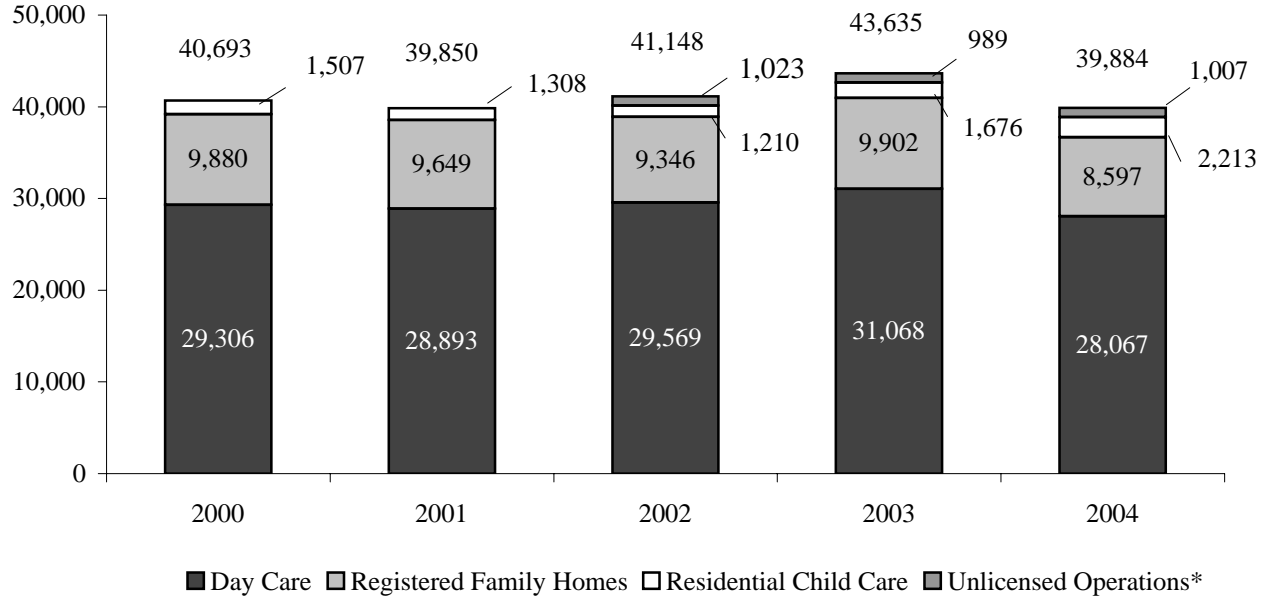
Region	Day Care Operations and Registered Family Homes	Residential (24-Hour) Operations	Unlicensed	Total
Lubbock (1)	597	129	72	798
Abilene (2)	369	134	37	540
Arlington (3)	2,817	436	364	3,617
Tyler (4)	427	139	41	607
Beaumont (5)	234	62	32	328
Houston (6)	2,148	991	215	3,354
Austin (7)	1,170	603	174	1,947
San Antonio (8)	1,334	367	101	1,802
Midland (9)	182	87	14	283
El Paso (10)	223	47	15	285
Edinburg (11)	471	339	24	834
Other/Unknown	0	7	3	10
State Total	9,972	3,341	1,092	14,405

Operations and Homes Regulated by Fiscal Year

Day Care Operations Licensed	2001	2002	2003	2004
Lubbock (1)	459	469	459	437
Abilene (2)	327	326	318	301
Arlington (3)	2,528	2,569	2,546	2,471
Tyler (4)	473	465	482	464
Beaumont (5)	309	312	301	286
Houston (6)	2,318	2,354	2,380	2,354
Austin (7)	1,411	1,446	1,429	1,401
San Antonio (8)	1,015	1,038	1,071	1,014
Midland (9)	280	316	283	265
El Paso (10)	533	536	540	516
Edinburg (11)	950	1,065	1,127	1,112
Unknown	0	7	2	0
Total	10,603	10,903	10,938	10,621
Registered Family Homes	2001	2002	2003	2004
Lubbock (1)	370	350	295	252
Abilene (2)	286	256	225	204
Arlington (3)	2,973	2,999	2,889	2,460
Tyler (4)	229	206	199	172
Beaumont (5)	123	120	116	103
Houston (6)	2,620	2,702	2,871	2,818
Austin (7)	1,208	1,080	1,016	870
San Antonio (8)	928	974	955	856
Midland (9)	113	109	91	69
El Paso (10)	93	84	81	88
Edinburg (11)	716	698	617	530
Unknown	0	6	0	0
Total	9,659	9,584	9,355	8,422
Listed Family Homes	2001	2002	2003	2004
Lubbock (1)	324	297	261	246
Abilene (2)	113	92	111	103
Arlington (3)	1,039	1,039	1,122	1,424
Tyler (4)	123	128	133	133
Beaumont (5)	91	70	71	89
Houston (6)	304	323	376	462
Austin (7)	947	703	668	757
San Antonio (8)	212	232	298	297
Midland (9)	77	78	96	107
El Paso (10)	73	76	76	75
Edinburg (11)	136	154	150	152
Unknown	0	2	4	0
Total	3,439	3,194	3,366	3,845
Residential Licensing (24-Hour Care)*	2001	2002	2003	2004
Lubbock (1)	236	289	289	259
Abilene (2)	207	227	208	236
Arlington (3)	765	918	1,025	1,213
Tyler (4)	149	171	184	205
Beaumont (5)	100	108	121	123
Houston (6)	1,257	1,428	1,493	1,429
Austin (7)	644	701	728	741
San Antonio (8)	528	530	611	648
Midland (9)	67	83	89	82
El Paso (10)	97	173	162	152
Edinburg (11)	283	345	381	395
Unknown	1	4	3	1
Total	4,334	4,977	5,294	5,484

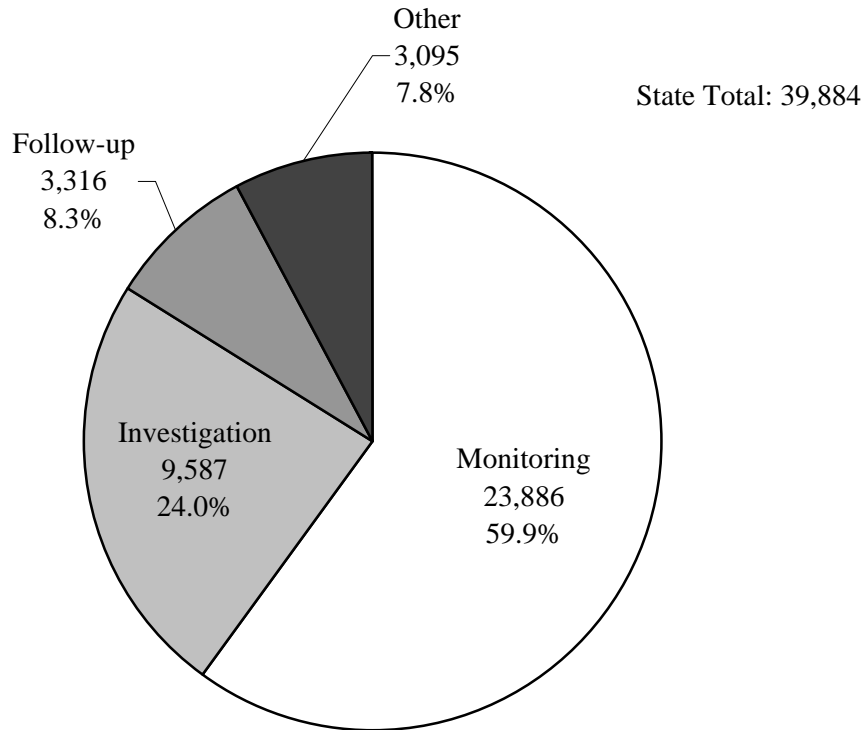
* Does not include CPS Foster and Adoptive Homes

Child Care Operation Inspections by Fiscal Year



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

Inspections in Regulated Child Care Operations by Type Fiscal Year 2004



Adverse Actions in Day Care Operations by Region Fiscal Year 2004

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)	0	0	2	1	2	3	8
Abilene (2)	0	0	0	0	0	2	2
Arlington (3)	0	0	1	0	1	0	2
Tyler (4)	0	2	2	0	1	2	7
Beaumont (5)	1	0	2	0	2	0	5
Houston (6)	5	3	3	6	14	12	43
Austin (7)	0	4	5	2	1	3	15
San Antonio (8)	4	6	1	1	0	1	13
Midland (9)	0	0	0	1	0	0	1
El Paso (10)	1	0	1	0	2	0	4
Edinburg (11)	0	0	0	0	0	1	1
State Total	11	15	17	11	23	24	101

Note: There were no Legal Injunctions during the fiscal year.

Corrective Actions in Day Care Facilities by Region Fiscal Year 2004

Region	Evaluation		Probations		Total Corrective Actions
	Day Care	Registered Family Home	Day Care	Registered Family Home	
Lubbock (1)	0	0	1	1	2
Abilene (2)	1	0	0	0	1
Arlington (3)	3	0	6	3	12
Tyler (4)	6	0	1	0	7
Beaumont (5)	1	0	1	0	2
Houston (6)	14	2	6	4	26
Austin (7)	25	6	5	0	36
San Antonio (8)	1	1	8	0	10
Midland (9)	2	0	0	0	2
El Paso (10)	1	0	0	0	1
Edinburg (11)	13	1	3	0	17
State Total	67	10	31	8	116

Licensing of Day Care Operations by Region Fiscal Year 2004

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)	45	40	93	28	74
Abilene (2)	30	25	96	40	54
Arlington (3)	328	271	939	273	555
Tyler (4)	50	46	77	19	49
Beaumont (5)	31	26	39	12	25
Houston (6)	323	266	742	428	179
Austin (7)	148	133	430	110	312
San Antonio (8)	116	100	351	150	123
Midland (9)	32	19	57	11	46
El Paso (10)	36	33	42	21	17
Edinburg (11)	149	133	179	107	38
Unknown	1	0	2	0	0
State Total	1,289	1,092	3,047	1,199	1,472

Licensing of Residential (24-Hour) Operations by Region Fiscal Year 2004

Region	Applications Accepted	Provisional Licenses Issued (New)
Lubbock (1)	2	2
Abilene (2)	3	3
Arlington (3)	15	14
Tyler (4)	3	4
Beaumont (5)	3	2
Houston (6)	35	25
Austin (7)	7	8
San Antonio (8)	4	3
Midland (9)	1	1
El Paso (10)	1	1
Edinburg (11)	1	0
State Total	75	63

Adverse Actions in Residential (24-Hour) Operations by Region Fiscal Year 2004

Region	Licenses Denied	Licenses Revoked	Licenses Suspended	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	1	5	6
Austin (7)	1	1	0	2
San Antonio (8)	0	0	2	2
Midland (9)	0	0	0	0
El Paso (10)	0	0	0	0
Edinburg (11)	0	0	2	2
State Total	1	2	9	12

Note: There were no Legal Injunctions during the fiscal year.

Corrective Actions in Residential (24-Hour) Operations by Region Fiscal Year 2004

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

Notes: