##### 4433.2 Reviewing a CPA’s Record on a Foster Home in Preparation for a Random-Sampling Inspection

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Procedure

Inspectors prepare for the random monitoring inspection of an agency foster home by reviewing the following information:

a. The CPA’s foster home screening

b. Background check records in CLASS for the foster home

c. Any developmental or corrective action plans in place for the foster home

d. Any investigation history for the last 12 months, or since the last Enforcement Team Conference, whichever is more recent

e. Inspection reports, the foster home’s floor plan, serious incident reports, and other documentation in the CPA’s foster home record, if:

• questions or issues are identified as a result of reviewing the home screening, or

• the records are being reviewed as a part of a monitoring inspection at the CPA.

If CPS foster children are placed in the home, the inspector reviews the children’s records in the IMPACT system for additional information on the children.

After reviewing the information, the inspector takes note of any questions or issues that may need to be addressed with:

• the foster parent during the sampling inspection; or

• the CPA’s staff before the sampling inspection.

If it is determined that information documented in the CLASS system regarding the agency foster home is outdated or incorrect, the inspector conducting the random-sampling inspection:

• instructs the CPA to update the foster home’s information; and

• notifies the inspector assigned to the CPA.

The inspector assigned to the CPA then considers citing a deficiency, using an assessment, if outdated and incorrect information is a pattern for the CPA. See [4431.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4431_1) Citing Deficiencies Based on Random-Sampling Inspection Results.

#### 4435 Conducting Random-Sampling Inspections at CPA Foster Homes

LPPH August 2012

Policy

a. Inspect the home using [Form 2978](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2978.doc) Foster Home Random-Sampling Guide.

b. Interview at least one foster parent.

c. Interview all foster children who are present during the inspection who are able and willing to talk.

d. Point out immediate safety and health hazards to the foster parent or adult who is in charge during the inspection.

See [4435.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4435_1) Immediate Hazards.

An adult other than the foster parent may be the primary contact person present during the random-sampling inspection; however, at least one foster parent must be present at some time during the inspection in order to be interviewed.

Procedure

To conduct a random-sampling inspection, inspectors take the following actions:

a. Present, on arrival, a valid DFPS identification card to the person in charge and explain the purpose of the visit.

b. Use [Form 2978](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2978.doc) Foster Home Random-Sampling Guide to conduct the random-sampling inspection.

      The sample interview questions on Form 2978 are suggestions only. They are designed to help the inspector gather information. The inspector reviews the interview questions and tailors them to the circumstances of the inspection in order to ensure that they are appropriate for the child’s age, developmental level, and situation.

c. Determine whether background checks have been completed on all persons at the foster home who are required to have background checks completed. The background checks may be conducted in CLASSMate during the inspection. See [5300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5300) Central Registry and Criminal History Searches.

d. Interview at least one foster parent in person during the inspection. If another foster parent cannot be present during the inspection and an interview is necessary, the inspector interviews that foster parent by phone.

e. Interview all foster children who are present during the inspection and are able and willing to talk. When a foster child has not been interviewed, the inspector notes the reason on Form 2978 Foster Home Random-Sampling Guide.

f. Interview other household members or the staff of the child-placing agency (CPA), as needed, to determine how well the CPA is regulating its foster homes. Obtain written consent before interviewing the foster parent’s biological or adopted children. See [6000](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6000) Investigations.

If there are any meaningful discrepancies between the results of the home screening and observations made at the foster home during the random-sampling inspection, the inspector notes them on Form 2978 Foster Home Random-Sampling Guide.

If photographs are taken during the inspection, see [1400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1400) Digital Cameras and Photographs.

The sampling inspection is considered complete when both of the following have been addressed through observations and interviews:

• All of the questions or issues noted during the review of the foster home’s record

• All topics on Form 2978 Foster Home Random-Sampling Guide

##### 4435.1 Immediate Hazards

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Immediate hazards include, but are not limited to:

a. unsupervised access to bodies of water, firearms, or medication;

b. no water or electricity;

c. structural damage to the home that makes the home uninhabitable;

d. unsafe equipment; and

e. construction hazards.

Procedure

When an immediate hazard is observed, the inspector conducting the random-sampling inspection must:

a. point out immediate safety and health hazards to the foster parent or adult who is in charge during the inspection;

b. notify the CPA within 24 hours of the inspection about immediate hazards found in the foster home; and

c. notify the inspector assigned to the CPA within 24 hours of the inspection about immediate hazards found in the foster home.

The CPA must follow up to ensure that:

• a plan exists for the home to come into compliance; and

• the home follows the plan for the protection of the children.

The inspector assigned to the CPA follows up with the CPA, as appropriate, to ensure that the CPA has taken the appropriate actions regarding immediate hazards identified during the random-sampling inspection.

#### 4436 Documenting and Sharing the Results of Random-Sampling Inspections

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Policy

Before leaving the foster home, the inspector:

• completes CLASSMate Form 2979 Foster Home Checklist to document any concerns identified and any technical assistance provided during the random-sampling inspection; and

• conducts an exit interview with the foster parent or person in charge to:

• Inform the person about any findings identified as sampling concerns

• Provide the person with a copy of the completed CLASSMate Form 2979.

Within 10 days of each inspection or attempted inspection, the inspector who conducted the random-sampling inspection:

a. resolves any pending sampling concerns and documents the outcomes for any pending sampling concerns in the CLASS system;

b. completes the Sampling Letter in CLASS; and

c. provides a copy of the Sampling Letter to the child-placing agency (CPA) and the Licensing inspector assigned to the CPA to inform them of the inspection results.

Texas Human Resources Code §§[42.044](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.044); [42.04411](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.04411)

Procedure

Before Leaving the Foster Home

Before leaving the foster home, the inspector completes CLASSMate Form 2979 Foster Home Checklist to document:

a. any concerns identified while reviewing the CPA’s record on the foster home;

b. any questions or issues identified while reviewing the foster home's agency home record in CLASS, including records related to compliance with background check requirements;

c. any findings identified as sampling concerns as a result of conducting the random-sampling inspection; and

d. any technical assistance provided to the foster home (see [4154](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4154) Technical Assistance).

After documenting the inspection results on CLASSMate Form 2979, and before leaving the home, the inspector conducts an exit interview with the foster parent or other adult who is in charge, during which the inspector:

• informs the person about any findings identified as sampling concerns; and

• provides a copy of the completed Form 2979.

Within 24 Hours After Completing a Random-Sampling Inspection

Within 24 hours after completing the random-sampling inspection, the inspector who conducted the random-sampling inspection notifies the CPA and the Licensing inspector assigned to the CPA about any immediate hazards observed in the foster home. Notification may be made by phone, email, or fax.

See [4435.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4435_1) Immediate Hazards.

Within 10 Days After the Random-Sampling Inspection

Within 10 days after the inspection, the inspector that conducted the random-sampling inspection:

a. resolves any pending sampling concerns, if any, and documents the results in CLASS;

b. completes the CLASS Sampling Letter; and

c. sends the Sampling Letter to:

• the CPA, and

• the inspector assigned to the CPA.

Documenting an Attempted Random-Sampling Inspection

For information on documenting an attempted random-sampling inspection of a CPA foster home, see [4435.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4435_3) Attempted Random-Sampling Inspections.

## Definitions of Terms

**sampling concern:** A finding documented when, as a result of completing a random-sampling inspection, an inspector finds that an agency foster home or the child-placing agency responsible for the agency foster home is not in compliance with a rule, including a minimum standard, a statute, or a condition of evaluation, probation, or suspension. A sampling concern is not a deficiency. See [4430 Random-Sampling Inspections of CPA Foster Homes](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4430).