Licensing Policy and Procedures Handbook Revision \_\_

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

For Licensing revisions only: Immediately following signoff, Licensing staff will prepare a highlighted document showing significant changes that we will post with the revision memo.

Clarification of Investigation Policy

The items below are revised to update policy related to the reporting of investigations.

Display of Revisions with Changes Highlighted (Word Document)

See:

6221 Assessing an Intake Report for Type of Investigation

6528 Closing the Investigation of a Child’s Death

6540 Investigations of Matches to the Database of Sex Offenders

6600 Completing the Investigation

6820 Reviewing an Abuse or Neglect Investigation

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#### 6221 Assessing an Intake Report for Type of Investigation

LPPH ~~December 2012~~ DRAFT 6742-CCL

Policy

Each intake report must be assessed to determine whether the report should be:

a. investigated as alleging abuse or neglect;

b. investigated as non-abuse or neglect; or

c. closed without an investigation.

A supervisor or designee must review and assess each intake report containing an allegation of abuse or neglect.

A report alleging an injury to a child is only investigated when the injury occurred while the child was in the operation’s care.

#### 6528 Closing the Investigation of a Child’s Death

LPPH ~~May 2013~~ DRAFT 6742-CCL

Procedure

Because autopsy results may be delayed, the investigator consults with his or her supervisor to determine whether to close the case. With supervisory approval, the abuse or neglect investigation may be closed before an autopsy report is received.

Once the supervisor has approved the investigation in IMPACT, he or she is required to add a secondary approver who works outside of the supervisor’s district. The secondary approver then has 15 days to review and approve or reject the investigation in IMPACT.

See [6526.2](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6526_2) Completing the Investigation Before the Results of the Autopsy Are Received

### 6540 Investigations of Matches to the Database of Sex Offenders

LPPH ~~March 2013~~ DRAFT 6742-CCL

Policy

Each director or manager develops a plan to ensure that the sex offender batch report (located under the *CLASS Tools* tab) that runs every Tuesday and Thursday is checked at least weekly to determine if there are sex offenders identified as a Match Level 1 or Match Level 2 in his or her region.

A Match Level 1 is considered an exact match; that is, the sex offender’s address matches the address of a regulated operation. A Match Level 2 is considered a proximity match; that is, a sex offender lives within close proximity of a regulated operation.

When the weekly batch report review reveals that a person who is on the database of sex offenders has a home address listed that is the same as a child care operation or within proximity of a child care operation, the person reviewing the report initiates an investigation in CLASS to determine the risk to the children in care at the operation.

he exception to these procedures is when a child in care is a registered sex offender. No investigation is conducted under these circumstances.

Procedures

Sex Offender Resides at Operation or Home (Match Level 1)

When the batch report review reveals that a person on the sex offender database has an address that matches the address of an operation or home, Licensing staff:

a.  create an intake report in CLASS;

b. select the *Reporter Anonymous* checkbox on the *Reporter Information* page (no other reporter information may be entered for reports based on the sex offender batch report);

c. prioritize the intake report as a *Priority 2 ‑ serious safety or health hazard;*

d. select the *Endangering Person* allegation type; and

e. follow procedures for a Priority 2 investigation.

If a listed sex offender resides in the operation or has a relationship with the provider and lists the operation’s address as a home address, then:

• the permit holder may choose to have the sex offender relocate to a new address and ensure the sex offender has no contact with the operation while children in care; or

• the permit of the operation must be revoked or denied. See [7600](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7600) Adverse Actions.

See:

[6222.2](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6222_2) Classifying an Intake Report as a Priority 2 (P2) Investigation

[6400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6400) Conducting the Investigation

Sex Offender Resides in Proximity to the Operation or Home (Match Level 2)

When the batch report review reveals that a person on the sex offender database has an address that is in the proximity of an operation or home, Licensing staff:

a. create an intake on a Priority 3 minimum standards violation for possible risk factor with the allegation type of *endangering person*;

b. select the *Reporter Anonymous* checkbox on the *Reporter Information* page (no other reporter information may be entered for reports based on the sex offender batch report);

c. generate and send the *Sex Offender Proximity Letter 2868* via email or regular mail to the operation and include the name and address of the sex offender

If the sex offender lives within proximity of an agency home, the notification to the child-placing agency includes the following statement:

*The attached letter identifies registered sex offenders in proximity of foster home verified by your agency. It is your responsibility to ensure the foster homes are notified of the sex offenders in their area and provide adequate supervision to ensure the safety of children in care.*

d. contact the operation by phone for a correct address and re-send if the email or letter is returned due to an incorrect address;

e. finalize the investigation; and

f. send the *Investigation Letter 2896.*

Exception to Conducting an Investigation of Match Level 2

If an operation is within proximity of a prison, halfway house, or other type of facility that temporarily houses registered sex offenders, an investigation may be conducted as described above once every six months.

See:

[6222.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6222_3) Classifying an Intake Report as a Priority 3 (P3) Investigation

[6400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6400) Conducting the Investigation

## 6600 Completing the Investigation

LPPH ~~December 2012~~ DRAFT 6742-CCL

Policy

All Investigations

The investigation is complete when:

a. all necessary contacts have been made;

b. the safety of the children at the operation has been ensured; and

c. findings (compliance with or violations of statute, administrative rules; and minimum standards) have been determined.

Non-Abuse or Neglect Investigations

Notification letters must be sent before the investigation is complete. Completion dates for non-abuse or neglect must be the same as or later than the notification sent dates.

See [6400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6400) Conducting the Investigation.

### 6820 Reviewing an Abuse or Neglect Investigation

LPPH ~~March 2013~~ DRAFT 6742-CCL

Procedure

As soon as possible and no later than 15 days after an investigation is submitted, the supervisor or secondary approver reviews the following items before approving or rejecting an investigation:

a. All documentation requirements listed in the following are met:

[6710](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6710) Documentation in the CLASS and IMPACT Systems

[6720](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6720) Documentation on the Investigation Conclusion Page in CLASS

[6730](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6730) Updating the Person Detail Page

b. The preponderance of evidence supports the disposition

c. The documentation is professionally written with minimal spelling and grammar errors

d. All notification letters are in draft form and contain appropriate language, citations, and technical assistance

Once the supervisor or secondary approver reviews the investigation, the supervisor or secondary approver either:

• approves and closes the investigation; or

• rejects the investigation.

See [6830](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6830) Rejecting an Abuse or Neglect Investigation to review reasons a supervisor may reject an investigation.

If a supervisor conducts all or part of any investigation, that investigation must be submitted for review and approval to another supervisor.