#### 6222 Assessing an Intake Report for Priority

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

Each intake report that warrants an investigation must be assessed to determine the correct priority. This review must be completed quickly enough to meet requirements for time frames for initiating investigations.

All intake reports are assigned priorities based on:

a. the information available at the time of intake;

b. the presence of current threats to the child’s immediate safety;

c. the degree of harm the child has sustained or may sustain in the foreseeable future; and

d. the allegation that presents the greatest risk to the child, if multiple allegations are reported.

A supervisor or designee reviews and assesses each intake report containing an allegation of abuse or neglect to assess the priority, and may change the priority assigned by Statewide Intake, if necessary.

HHSC Rules, 1 TAC [§351.503(b)(5)](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=351&rl=503)

Prioritizing an Intake Report Involving an Illegal Operation

An intake report involving an operation that is operating without a permit is prioritized according to the same policies as an intake report involving an operation that is operating legally if there are allegations:

• of abuse or neglect; or

• that children are otherwise at risk.

If an intake report contains allegations that a person is providing care to children without a permit and there are no allegations of abuse or neglect or allegations that children are at risk, the intake report is prioritized as:

• a Priority 3 (P3) if the allegation is regarding a residential provider; or

• a Priority 5 (P5) if the allegation is of a day care provider.

##### 6222.2 Classifying an Intake Report as a Priority 2 Investigation

LPPH ~~November 2013~~ DRAFT 7022-CCL

Abuse or Neglect Intake Reports

An abuse or neglect intake report is classified as a Priority 2 (P2) investigation in IMPACT and CLASS, if the report concerns an allegation of abuse or neglect, and:

• the child is currently safe; or

• the child is not at immediate risk of serious physical or emotional harm as a result of the abuse or neglect.

Non-Abuse or Neglect Intake Reports

A non-abuse or neglect intake report is classified as a Priority 2 investigation in CLASS, if the report does not contain an allegation of abuse or neglect, but does concern:

a. inappropriate discipline;

b. inappropriate physical restraint;

c. a serious injury;

d. a serious accidental injury or medical incident;

e. a significant safety or health hazard;

f. a significant supervision problem;

g. a person is present at the operation whose criminal or Central Registry history poses a risk of harm to a child; or

h. an alleged illegal operation with a history of operating illegally, was previously listed, licensed, or registered and closed voluntarily or by adverse action, or is caring for more than 12 children.

The term *serious* indicates that the alleged violation has resulted in or may result in impairment to the child’s overall health or well-being.

##### 6222.3 Classifying an Intake Report as a Priority 3 Investigation

LPPH ~~November 2013~~ DRAFT 7022-CCL

A non-abuse or neglect intake report is classified as a Priority 3 investigation in CLASS if the report concerns:

a. an illegal operation with no other allegations (RC only);

b. a violation of the law, administrative rules, or minimum standards that poses a low risk of harm to children and an inspection is required;

c. a sex offender’s address within proximity to the operation; or

d. any injury or medical incident that does not rise to the level of a Priority 2 investigation.

##### 6222.4 Classifying an Intake Report as a Priority 5 Investigation

LPPH DRAFT 7022-CCL (new item)

A non-abuse or neglect intake report is classified as a Priority 5 investigation in CLASS if the report concerns:

a. an illegal operation with no other allegations (DC only);

b. a report that is assigned to a child placing agency as an internal investigation; or

c. self-report alleging minor violations of minimum standards and the parent has no concerns regarding supervision or safety (desk review).

##### 6222.5 Re-Classifying a Priority 5 Investigation as a Priority 4 Investigation

LPPH DRAFT 7022-CCL (new item)

An intake report cannot be classified as a Priority 4 (P4). A Priority 5 investigation is re-classified as a Priority 4 investigation in CLASS when one of the following types of investigations requires an inspection:

a. An illegal operation with no other allegations (DC only)

b. A CPA internal investigation

c. A desk review

##### 6222.6 Choosing the Priority of an Intake Report in CLASS

LPPH ~~November 2013~~ DRAFT 7022-CCL (currently 6222.4)

The priority assigned to an abuse or neglect intake report in IMPACT automatically transfers to the *IMPACT Priority* field under the *IMPACT Information* section of the *Intake Report* in CLASS.

For both abuse or neglect reports and non-abuse or neglect reports, the investigator, supervisor, or designee must select the correct CLASS priority from the dropdown list under the *Priority* section in the *Intake Report*. The priority assigned to a report of abuse or neglect in CLASS must be consistent with the *IMPACT Priority*.

The chart below outlines the appropriate CLASS options to prioritize intake reports.

| Intake Priority  CLASS Options | Explanation | Type of Investigation |
| --- | --- | --- |
| Priority 1: Death of a child | A child dies while in the care of an operation or an operation that is subject to regulation. | Abuse or neglect |
| Priority 1: Immediate danger of death | A child has been abused or neglected and the abuse or neglect places the child or other children at immediate risk of death or serious physical or emotional harm. | Abuse or neglect |
| Priority 1: Violation of the law or minimum standards that pose an immediate risk to children | A violation of a law or minimum standard places children in care at immediate risk of serious harm.  May also be used for listed family homes when there is an immediate risk of danger to the health or safety of children in care. | Non abuse or neglect |
| Priority 2: Abuse or neglect that does not indicate an immediate danger of death or serious injury | A child in care has been abused or neglected, but the child and other children are currently safe from the risk of death or serious physical or emotional harm. | Abuse or neglect |
| Priority 2: Injury or serious mistreatment of a child | A child in care is disciplined, punished, or physically restrained in a manner that is prohibited by minimum standards.  Due to the child’s involvement in a serious incident, a child sustains a serious injury that has resulted or may result in impairment to the child’s overall health or well-being. This does not include:  • injuries for which a child is evaluated by a professional as a precaution, but the injury or medical incident does not warrant evaluation or treatment; or  • Injuries for which first aid is administered at the operation, but no further treatment by a medical professional is warranted,  When determining whether an incident is serious, consider the following questions:  • At the time of the incident, was the caregiver aware of what happened?  • Once the caregiver became aware of the incident, how did the caregiver respond?  • Is there a pattern of similar injuries at this operation?  • Is the child able to explain what occurred?  • Is the injury consistent with the explanation given?  • Was medical treatment by a professional required? | Non abuse or neglect |
| Priority 2: Serious Accidental Injury | Due to a child’s involvement in a serious incident, a child suffers a serious accidental injury or has a medical event that has resulted or may result in impairment to the child’s overall health or well-being. This does not include:  • injuries for which a child is evaluated by a professional as a precaution, but the injury or medical incident does not warrant evaluation or treatment;  • injuries for which first aid is administered at the operation, but no further treatment by a medical professional is warranted; or  • routine, ongoing medical issues, such as asthma or seizures.  When determining whether an incident is serious, consider the following questions:  • At the time of the incident, was the caregiver aware of what happened?  • Once the caregiver became aware of the incident, how did the caregiver respond?  • Was the injury sustained while the child was engaged in an age appropriate activity? | Non abuse or neglect |
| Priority 2: Serious safety or health hazards | A violation of the minimum standards related to safety or health may pose a risk of significant harm to children in care. When determining whether a health or safety hazard may pose a risk of significant harm to children, consider the following questions:  • Does the operation have a history of health or safety hazards?  • Is there an allegation that children have been harmed because of the health or safety hazard?  • Has the health or safety hazard resulted or may result in impairment to the child’s overall health or well-being?  A person who is present at the operation has criminal or Central Registry history that may expose children in care to risk of harm. This includes:  • a person who has recent arrest history that poses a risk of harm to children and whose arrest has not gone through the justice system;  • a person who has recent Central Registry history and the person has not gone through due process; and  • a person on the sexual offender registry whose address is an exact match to the operation’s address.  An alleged illegal operation:  • has a history of operating illegally;  • was previously listed, licensed, or registered and closed voluntarily or by adverse action; or  • is caring for more than 12 unrelated and related children. | Non abuse or neglect |
| Priority 2: Serious supervision problems | A violation of the minimum standards related to supervision may pose a significant risk of harm to children in care. When determining whether or not a violation of minimum standards related to supervision is significant, consider the following questions:  • At the time of the incident, was the caregiver aware of what happened?  • Once the caregiver became aware of the incident, how did the caregiver respond?  • What is known about the child’s behavioral history and have any similar incidents involving the child occurred recently?  • Were any specialized supervision plans in place at the time of the incident?  • Did the incident result in, or is there a possibility that it could result in, impairment to the child’s overall health or well-being? | Non abuse or neglect |
| Priority 3: Illegal operations with no other allegations (RC only) | A report that care is being provided to children by a residential care operation that does not have a permit, may be subject to regulation, and there are no other allegations. | Non abuse or neglect |
| Priority 3: Minor violation of the law or minimum standards that involve low risk to children | A violation of a law or minimum standard poses low risk of harm to the health or safety of children in care.  Risk factors exist that indicate children may be at risk of harm. Risk factors include, but are not limited to:  • minor injuries that are accidental in nature and may indicate supervision problems;  • a pattern of incidents that normally do not require an investigation (such as repeated runaways).  An injury or medical incident that does not rise to the level of a priority 2 investigation. | Non abuse or neglect |
| Priority 3: Sex offender lives within proximity of the operation | A sex offender is living in the proximity of a child care operation according to the listings on the sex offender database. | Non abuse or neglect |
| Priority 5: CPA internal investigation | An intake report that is assigned to the child placing agency as an internal investigation. | Non abuse or neglect |
| Priority 5: Illegal operations with no other allegations (DC only) | A report that care is being provided to children by a day care operation that does not have a permit, may be subject to regulation, and there are no other allegations. | Non abuse or neglect |
| Priority 5: Desk review | A self-report concerning:  • minor minimum standards violations;  • a parent who has no concerns regarding supervision or safety; and  • an investigation that may be handled without an inspection. | Non abuse or neglect |

##### 6222.7 Changing the Priority of an Investigation in CLASS

LPPH ~~November 2013~~ DRAFT 7022-CCL (new item; currently part of what is now 6222.4)

If necessary, the CLASS priority can be changed once the report has been progressed to an investigation in CLASS. The supervisor or designee changes the priority by making the following changes in the *Priority Change* section on the *Investigation* main page in CLASS:

a. entering the date the priority is changed in the *Priority Date Change* field;

b. selecting the new priority from the *Priority* drop-down list; and

c. documenting the reason for the priority change in the *Reason* narrative box.

The priority in CLASS must be consistent with the priority assigned to the corresponding report in IMPACT, if applicable.

Also see [6240](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6240) Processing Intake Reports in IMPACT and CLASS for directions on upgrading or downgrading intake reports that have not been progressed to an investigation.

##### 6243.1 Closing a Non-Abuse or Neglect Intake Report

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

An intake report in CLASS may be closed without an investigation if the investigator determines that an investigation is not warranted and receives supervisory approval to the close the report.

An intake report may be administratively closed without choosing a priority.

See [6221.5](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6221_5) Intake Reports to Be Closed Without an Investigation.

Procedure

After the intake report or I&R is closed in the IMPACT system, the investigator, supervisor, or designee closes the report in the CLASS system by entering the date of the administrative closure and selecting and documenting the reason for closure under the *Intake Status* section on the *Intake Report* page.

##### 6361.1 Time Frame for Initiating a Priority 1 Investigation

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

An investigation that is assigned a Priority 1 must be initiated as soon as possible, but no later than 24 hours after the time the intake report was received, regardless of whether the investigation is abuse or neglect or non-abuse or neglect.

Acting on Priority 1 Reports After Regular Business Hours

Procedure

If an intake report is received after regular business hours, including on the weekends and holidays, and Statewide Intake (SWI) assigns a Priority 1 to the report, SWI notifies the regional on-call investigator for Licensing. The on-call investigator must contact the on-call supervisor to receive instructions on how to proceed, unless the on-call investigator is an Investigator II and has received approval to act on any Priority 1 investigations without supervisory guidance.

##### 6361.3 Time Frame for Initiating a Priority 3 Investigation

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

A non-abuse or neglect investigation that is assigned a Priority 3 must be initiated as soon as possible, but no later than 15 days after the day the intake report was received by SWI or the Licensing office.

##### 6361.4 Time Frame for Initiating a Priority 5 Investigation

LPPH DRAFT 7022-CCL (new item)

Policy

A non-abuse or neglect investigation that is assigned a Priority 5 must be initiated as soon as possible, but no later than five days after the day the intake report was received by SWI or the Licensing office.

##### 6413.2 Initiation Methods for Priority 3 Investigations That Require Supervisory Approval

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

For Priority 3 investigations, other than investigations assigned a *Priority 3 – Sex offender lives within proximity of the operation*, the investigator must consult with the supervisor and obtain approval before using any of the following methods of initiation:

a. Conducting an announced inspection

b. Making a phone contact with any source, other than a reporter

c. Contacting the reporter

d. Any other means not specifically discussed in policy

See [6540](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6540) Investigations of Matches to the Database of Sex Offenders.

##### 6413.5 Initiation of an Investigation Assigned a Priority 5

LPPH DRAFT 7022-CCL (new item)

Policy

For investigations assigned a *Priority 5: Desk Review*, the investigator may initiate the investigation with a phone call or email to the operation.

For investigations assigned a *Priority 5: CPA Internal Investigation*, the investigator initiates the investigation according to the procedures in [6532.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6532_1) Receiving and Assigning the Report.

For investigations assigned a *Priority 5: Illegal Operations* with no other allegations (DC Only), the investigator initiates the investigation according to the procedures in [6553](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6553) Initiating the Investigation of an Illegal Operation.

##### 6431.1 Inspection Time Frame Priority 1 or Priority 2 Investigations

LPPH ~~December 2012~~ DRAFT 7022-CCL (title is revised)

Policy

For all investigations assigned a Priority 1 or Priority 2, the investigator must conduct an unannounced inspection at the operation that is the subject of the investigation as soon as possible and no later than 15 days following the date the intake report was received. Shorter time frames may be required in order to assess risk.

If subsequent inspections are necessary, the inspections may be announced or unannounced.

##### 6431.2 Inspection Time Frame for Priority 3 Investigations

LPPH ~~December 2012~~ DRAFT 7022-CCL (title is revised)

Policy

For investigations assigned a Priority 3, the investigator must conduct an unannounced inspection at the operation that is the subject of the investigation as soon as possible and no later than 30 days following the date the intake report was received.

If subsequent inspections are necessary, the inspections may be announced or unannounced.

An inspection is not required for investigations assigned a *Priority 3 – Sex offender lives within proximity of the operation*. See 6540 Investigations of Matches to the Database of Sex Offenders.

##### 6431.3 Inspection Time Frame for Priority 4 Investigations

LPPH DRAFT 7022-CCL (new item)

Policy

CPA Internal Investigations Reassigned to a Priority 4

For all investigations involving an agency home that are re-assigned to a Priority 4, the investigator must conduct an unannounced inspection at the operation that is the subject of the investigation as soon as possible and no later than 45 days following the date the initial intake report was received.

Illegal Operations and Desk Review Investigations Reassigned to a Priority 4

For all other investigations that are re-assigned to a Priority 4, the investigator must conduct an unannounced inspection as soon as possible and no later than 30 days following the date the initial intake report was received.

If subsequent inspections are necessary, the inspections may be announced or unannounced.

##### 6431.4 Inspection Not Required for Priority 5 Investigations

LPPH DRAFT 7022-CCL (new item)

Policy

For all investigations assigned a Priority 5, the investigator does not conduct an inspection at the operation that is the subject of the investigation.

If the investigator determines that an inspection is required, the investigator changes the priority to a Priority 4 as soon as possible during the investigation.

If subsequent inspections are necessary, the inspections may be announced or unannounced.

See:

6532.4 Reclassifying an Investigation of an Agency Home as Priority 4

6552.1 Day Care Operations Providing Care Illegally With No Other Allegations

6562 Reclassifying a Desk Review Investigation as a Priority 4

##### 6532.1 Receiving and Assigning the Report

LPPH ~~December 2012~~ DRAFT 7022-CCL

Procedure

Within five days of receiving an intake report that is to be assigned to a CPA for an internal investigation, the inspector initiates the investigation by contacting the CPA to notify the CPA of the assignment. The inspector may suggest the use of [Form 2906](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2906.doc) CPA Internal Investigation Report, also available on the forms page in the Child Care Licensing section of the DFPS Internet.

##### 6532.3 Licensing Responsibilities

LPPH ~~December 2012~~ DRAFT 7022-CCL

Procedure

The inspector reviews the report for compliance with minimum standards and makes one of the following decisions:

a. Accepts the report as complete

b. Returns the investigation to the CPA if the investigator determines that the investigation is not thorough and includes specific instructions and timelines for the CPA to complete the documentation and return the report

c. Seeks supervisory approval to reclassify the investigation as a Priority 4 (see 6532.4 Reclassifying an Investigation of an Agency Home as a Priority 4)

If the report is accepted, the inspector also:

a. cites the CPA for any deficiencies regarding the handling of the investigation, any deficiencies specific to the incident, and any pattern of violations found in the CPA’s homes;

b. evaluates whether the CPA should receive citations. If the CPA cites deficiencies in the home, the CPA is not necessarily deficient in those same minimum standards;

c. documents the investigation in CLASS according to the policies outlined in 6532.5 Documentation of Investigations by Child-Placing Agencies;

d. notifies the CPA about the results of the investigation using the CLASS Investigation Letter (see [6700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6700) Documenting an Investigation); and

e. determines whether any remedial action should be taken against the CPA.

#### 6532.4 Reclassifying an Investigation of an Agency Home as a Priority 4

LPPH DRAFT 7022-CCL (new item)

Licensing staff may seek supervisory approval to change a *Priority 5 – CPA Internal Investigation* to a *Priority 4 – CPA Internal Investigation* to complete the investigation and conduct an inspection under the following circumstances:

a. Licensing staff determines that the report received is incomplete or unsatisfactory

b. The information in the report indicates there is elevated risk

c. The CPA fails to provide the report within 30 days of being notified of the investigation

Before changing the priority from a Priority 5 to a Priority 4, staff must complete the fields in the *Report/Response Action* section on the *Investigation Conclusion* page as described in 6532.5 Documentation of Investigations Conducted by Child-Placing Agencies.

Licensing staff completes an investigation assigned a Priority 4 according to the policy and procedures outlined elsewhere in policy.

See:

6222.6 Changing the Priority of an Investigation in CLASS

6431.3 Inspection Time Frame for Priority 4 Investigations

##### 6532.5 Documentation of Investigations by Child-Placing Agencies

LPPH ~~December 2012~~ DRAFT 7022-CCL (currently item 6740)

The investigator documents the following information in CLASS for an investigation assigned to a child-placing agency (CPA) to complete, whether the investigation is completed by the CPA or is completed by Licensing staff as a Priority 4 investigation:

a. Initiation information is documented in the *Initiation of Investigation* section on the *Investigation Conclusion* page as follows:

• The date the CPA was notified of the investigation is documented in the *Date Initiated* field.

• The 30-day due date the CPA has to send the completed investigation report is documented in the narrative box.

b. All communication with the CPA or other persons involved in the investigation are documented on the *Contact List*.

c. After receiving the CPA’s report, a summary of the CPA’s investigation, including any deficiencies the CPA cited on the home, is documented as a contact on the *Contact List*

d. Information about the CPA’s report is documented in the *Report/Response Action* section on the *Investigation Conclusion* page as follows:

1. The date the report is received is documented in *the Report/Response Received* field.

2. *Accepted or Rejected* is selected from the *Final Action* dropdown menu.

* A response is *Accepted* if the CPA's documentation is satisfactory and an inspection is not necessary.
* A response is *Rejected* if the CPA's documentation is unsatisfactory and an inspection by Licensing is necessary. If the response is *Rejected,* the investigation must be changed from a Priority 5 to a Priority 4 before conducting an investigation inspection.

3. The date the action is taken is documented in the *Action Date* field.

e. Information about the conclusion of the investigation, including the following information, is documented in the *Investigation Findings* section:

1. *Explanation of the Disposition Based on Preponderance*

2. *Recommended Action*

3. Notifications dates

4. Completion and closure dates

The *Explanation of the Disposition Based on Preponderance* statement includes information about:

a. the timeliness of the investigation conducted by the CPA;

b. the thoroughness of the investigation conducted by the CPA;

c. the risk to children found as a result of the CPA’s investigation; and

d. any citations issued as a result of the investigation.

For investigation procedures, see [6530](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6530) Investigations Involving Homes Regulated by CPS or a Private Child-Placing Agency (CPA).

#### 6533 Agencies Responsible for Investigations in CPA and CPS Homes

LPPH ~~December 2012~~ DRAFT 7022-CCL

Policy

Reports alleging abuse, neglect, or exploitation in child placing agencies or agency homes are handled according to the chart below.

Procedure

Regardless of who conducts this investigation, residential licensing staff must obtain a copy of the investigation report and determine what, if any, violations should be cited and what, if any, remedial action should be taken against the child placing agency.

In the chart below, the term *adoptive* refers to an adoption that is not consummated.

| If the alleged victim is: | And the alleged perpetrator is: | Refer to: |
| --- | --- | --- |
| A child who is not in care | A foster or adoptive parent living in the foster or adoptive home | • CPS, if the alleged victim is a minor who is a relative;  • law enforcement, if the alleged victim is another adult; or  • APS, if the alleged victim is an adult age 65 or older or an adult with a disability.  Licensing investigates possible standards violations and assesses the risk to children in care. |
| A child in care | A foster or adoptive parent | Licensing |
| A child in care | Someone living outside the foster or adoptive home (such as a neighbor) | Law enforcement |
| A child in care | An adult living in the foster or adoptive home other than the foster or adoptive parent | Licensing |
| A child who is not in care | An adult living in the foster or adoptive home other than the foster or adoptive parent | • CPS investigates the allegations and law enforcement is notified.  • Licensing investigates possible standards violations and assesses the risk to the children in care. |
| A child in care | A foster or adoptive parent who is related to that foster or adoptive child | Licensing |

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

LPPH ~~January 2014~~ DRAFT 7022-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.

The 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 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 Investigation

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

#### 6551 Conducting Searches

LPPH ~~December 2012~~ DRAFT 7022-CCL

Upon receiving information of a possible illegal operation, and before assigning a priority (including a report received through SWI regarding an alleged illegal operation), the investigator searches the following databases in the order listed using a variety of parameters, including name, address, and telephone number:

a. CLASS, to determine whether the operation has a permit or has previously been reported to be operating illegally, or if anyone associated with the operation has a background check

b. IMPACT, to determine whether any person associated with the operation is a designated or sustained perpetrator

c. The DPS sex offender registry, to determine whether the operation’s address is an exact match to an address listed on the registry or whether any person associated with the operation is listed in the registry

If only a phone number is known, staff should first conduct a reverse telephone number search on a free, publicly available website to obtain further identifying information.

For illegal day care operations, the investigator initiates an *Accurint* search in accordance with district procedures if no information is available through use of the search methods listed above. Additionally, with approval by the director or manager, the Family Inquiry Network / Database Search System (FINDRS) may be accessed to obtain additional information on a limited basis.

Staff are not required to complete all searches before assigning a priority if it would interfere with initiation time frame requirements.

See [6251.2](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6251_2) Entering Reports of Illegal Operations.

#### 6552 Prioritizing Investigations of Illegal Operations

##### 6552.1 Day Care Operations Providing Care Illegally With No Other Allegations

LPPH ~~October 2013~~ DRAFT 7022-CCL (new item; currently part of 6552, above)

Licensing staff must classify reports of day care operations as a Priority 5 when it is reported that:

a. a day care program that does not have a permit is providing care to a child;

b. the operation may be subject to regulation; and

c. there are no allegations that children are unsafe or at risk of being harmed.

If the provider fails to contact Licensing in response to Licensing’s attempts to contact them, and Licensing staff has enough information to be able to conduct an inspection, the staff changes the priority to a Priority 4 and conducts an inspection.

See [6431.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6431_1) Inspection Time Frame for Priority 4 Investigations.

##### 6552.2 Residential Operations Providing Care Illegally With No Other Allegations

LPPH ~~October 2013~~ DRAFT 7022-CCL (new item; currently part of 6552, above)

Licensing staff must classify reports of residential care operations as a Priority 3 when it’s reported that:

a. care is being provided to children by a residential operation that does not have a permit;

b. the operation may be subject to regulation; and

c. there are no allegations that children are unsafe or at risk of being harmed.

##### 6552.3 When to Prioritize a Report of an Illegal Operation as a Priority 1 or Priority 2 (Day Care and Residential)

LPPH ~~October 2013~~ DRAFT 7022-CCL (new item; currently part of 6552, above)

Licensing staff must classify reports (including self-reports) of illegal operations as Priority 2 using the most appropriate priority description outlined in 6222.6 Choosing the Priority of an Intake Report in CLASS when there is:

a. an allegation that children are unsafe or at risk of being harmed;

b. a criminal history result on a household member that requires a risk assessment or for that household member to be barred from the operation;

c. a household member is a designated or sustained perpetrator of abuse or neglect of a child;

d. a search of the sex offender registry indicates an exact match;

e. a home that has a previous history of operating illegally;

f. a home that was previously listed, licensed, or registered and closed voluntarily or by adverse action; or

g. a home that is caring for more than 12 unrelated and related children.

Licensing staff must classify reports (including self-reports) of illegal operations as Priority 1 using the most appropriate priority description outlined in 6222.6 Choosing the Priority of an Intake Report in CLASS if the report concerns an immediate threat to the health or safety of a child in care.

A non-abuse or neglect intake report that is classified as a P1 includes, but is not limited to, reports concerning:

• structural damage to the home or operation that makes the home or operation uninhabitable; or

• the presence of unsafe or hazardous equipment or materials.

If there are allegations of abuse, neglect, or exploitation, or if a child dies, see [6222](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6222) Assessing an Intake Report for Priority.

#### 6553 Initiating the Investigation of an Illegal Operation

LPPH ~~December 2013~~ DRAFT 7022-CCL (title is revised)

Procedure

For all investigations of alleged illegal operations assigned a Priority 1, 2, or 3, the investigator must initiate the investigation according the policies outlined in [6410](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6410) Initiating the Investigation.

Within five days of the receipt of the intake report, the investigator initiates an investigation assigned a Priority 5 by notifying the alleged provider that the operation may be subject to regulation in one of the following ways:

a. Calling the provider

b. Sending CLASS Form 2826 Illegal Operations Notification Letter via regular mail or email (if only the email address is known)

#### 6554 Conducting the Investigation of an Illegal Operation

LPPH ~~October 2013~~ DRAFT 7022-CCL

Policy

The purpose of the investigation is to obtain information to determine whether the operation is subject to regulation and determines whether any obvious hazards are present.

If the investigator determines that the operation is subject to regulation, the investigator:

a. assesses the safety of children in care. If any child appears to be at immediate risk of harm at any point in the investigation, the investigator consults with the supervisor to determine the appropriate course of action to ensure the safety of the children. This may include closure of the operation;

b. provides the appropriate application to the operation if the operation wishes to continue operating; and

c. conducts an inspection to ensure closure of the operation if the provider fails to submit the application within the required time frame. Staff must obtain supervisory approval if no inspection is conducted.

If the investigator believes that the operation may be exempt from regulation, the investigator may ask the operation to complete an Exemption Request Form (see [2200](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2200) Types of Child Care and Multiple Operations). This form should be submitted to Licensing no later than five days after the investigation inspection.

##### 6554.1 Conducting the Investigation of an Illegal Operation When An Address Is Known (Priority 5 Investigations)

LPPH ~~December 2013~~ DRAFT 7022-CCL (title is revised)

Procedure

If the address of the operation is known, the investigator initiates the investigation based upon the priority as outlined in [6553](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6553) Initiating the Investigation of an Illegal Operation.

If the investigation is prioritized as a Priority 5, the investigator may initiate the investigation by mailing CLASS Form 2826 Illegal Operations Notification Letter to the operation requesting that the provider contact the investigator by the date listed on the letter (eight days from the date the letter is generated).

Provider Fails to Contact Investigator Within the Required Time Frame (Priority 5 Investigations)

If the investigation is prioritized as Priority 5, and the provider fails to contact the investigator by the date listed on the notification letter, the investigator:

a. changes the priority to a Priority 4;

b. conducts an inspection of the operation as soon as possible but no later than 30 days after receipt of intake to determine whether the operation is subject to regulation;

c. provides the appropriate application to the operation if the operation is subject to regulation and wishes to continue operating;

d. requests that the provider submit the appropriate application or exemption request form within five days of the date of inspection; and

e. follows up within 15 days of the date the application was provided if the application has not been submitted and ensure that the operation is either closed or an application is obtained.

Provider Contacts the Investigator Within the Required Time Frame (Priority 5 Investigations)

If the operation contacts the investigator within the required time frame, as requested, the investigator advises the operation of the legal requirements for licensing and determines if the operation is subject to regulation.

If the investigator determines that the operation is not subject to regulation, the investigator closes the investigation and the illegal operation with a finding of compliance for the allegation.

If the investigator determines that the operation is subject to regulation, the investigator:

a. mails the operation [Form 2865](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2865.docx) Illegal Operation Application Cover Letter with the application attached, or provides the link for electronic submission of an application;

b. advises the operation that the application or exemption request form must be submitted within five days of receipt of the application or submitted electronically within five days from the date of contact;

c changes the priority to a Priority 4 and inspects the operation as soon as possible, but no later than 30 days after the date of the intake if there is no response to the letter,

d. obtains the application or ensures the operation has ceased operating.

The investigator documents all contacts according the policies listed under [6723](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6723) Contact List.

If the investigator determines that an inspection is required, the investigator changes the priority to a Priority 4 as soon as possible during the investigation.

##### 6554.2 Conducting Investigations of an Illegal Operation When Only a Phone Number Is Known (Priority 5 Investigations)

LPPH ~~December 2013~~ DRAFT 7022-CCL (title is revised)

Procedure

When a search conducted under [6551](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6551) Conducting Searches reveals only a telephone number for an alleged illegal operation, the investigator initiates the investigation by attempting to contact the provider by phone within five days of receipt of the intake and conducts the investigation in the following manner:

a. If the investigator is unable to make contact with the provider, the investigator must attempt at least two more phone contacts during varying times and days within the first 15 days of receipt of the intake. If the investigator is unable to make contact after three attempts, the investigator consults with the supervisor for further instructions.

b. If the phone number is not in service, the investigation should be closed.

c. When phone contact is successful, the investigator takes the following actions:

1. If possible, the investigator obtains the address and name of the provider.

2. The investigator staffs with the supervisor if the provider is not cooperative in providing information.

3. The investigator makes a determination, based upon information from the provider, whether the operation is subject to regulation.

4. If the operation is not subject to regulation, the investigator closes the investigation and operation in CLASS.

5. If the operation is subject to regulation, the investigator sends the operation [Form 2865](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2865.docx) Illegal Operation Application Cover Letter, with the application attached, and advises the provider to return the application within five days.

6. If the application or written notification of closure is not submitted and the address is known, the investigator changes the priority to a Priority 4 and inspects the operation as soon as possible but no later than 30 days after the date of intake. During the inspection the investigator either obtains the application or exemption request form or ensures closure of the operation.

The investigator documents all contacts and attempted contacts in the investigation chronology according the policies listed under [6723](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6723) Contact List.

See [6557](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6557) Procedures When an Illegal Operation Is Determined to Be Not Subject to Regulation.

##### 6554.3 Conducting Investigations When Only an Email Address Is Known (Priority 5 Investigations)

LPPH ~~December 2013~~ DRAFT 7022-CCL (title is revised)

When a search conducted under [6551](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6551) Conducting Searches reveals only an e-mail address for an alleged illegal operation, the investigator initiates the investigation by emailing the provider within five days of receipt of the intake and conducts the investigation in the following manner:

a. The investigator copies and pastes CLASS Form 2826 Illegal Operation Notification Letter into the body of an email and sends it to the operation.

b. If the email is returned as undeliverable then the investigation is closed.

c. The investigator attempts to contact the operation three times within 15 days of the intake. If there is no response after that time, the investigator consults with the supervisor for further instructions.

d. When email contact is successful, the investigator takes the following actions:

1. If possible, the investigator obtains the address and name of the provider.

2. The investigator staffs with the supervisor if the provider is not cooperative in providing information.

3. The investigator makes a determination, based upon information from the provider, whether the operation is subject to regulation.

4. If the operation is not subject to regulation, the investigator closes the investigation and operation in CLASS.

5. If the operation is subject to regulation, the investigator sends the operation [Form 2865](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2865.docx) Illegal Operation Application Cover Letter, with the application attached, and advises the provider to return the application within five days.

6. If the operation does not submit the exemption request form or written notification of closure, and the address is known, the investigator changes the priority to a Priority 4 and inspects the operation as soon as possible but no later than 30 days after the date of intake. During the inspection the investigator either obtains the application or ensures closure of the operation.

The investigator documents all contacts according the policies listed under [6723](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6723) Contact List.

See [6557](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6557) Procedures When an Illegal Operation Is Determined to Be Not Subject to Regulation.

**6563 Documentation of Investigations of Illegal Operations**

LPPH DRAFT 7022-CCL (new item; was submitted as 6532.5, but this would be the correct number)

*Procedures*

The investigator documents the following information in CLASS for an investigation of an illegal operation, whether the investigation is completed as a Priority 5 or Priority 4 investigation as follows:

a. Initiation information is documented in the *Initiation of Investigation* section on the *Investigation Conclusion* page.

b. All communications with the operation or other persons involved in the investigation are documented on the *Contact List.*

c. Information about the operation’s response is documented in the *Report/Response Action* section on the *Investigation Conclusion* page as follows:

1. The date the operation’s response to a phone call, email, or letter was received is documented in *the Report/Response Received* field.

2. *Adequate* or *Not Adequate* is selected from the Final *Action* dropdown menu.

• A response is *Adequate* if the operation responded with sufficient information to determine that they are not subject to regulation or they submitted an application to be regulated and there is no reason to conduct an investigation inspection.

• A response is *Inadequate* if the operation does not respond with sufficient information to determine whether or not they are subject to regulation. An *Inadequate* response will require a change in priority from a Priority 5 to a Priority 4 and an investigation inspection.

3. The date the action is taken is documented in the *Action Date* field.

d. Information about the conclusion of the investigation, including the following information, is documented in the *Investigation Findings* section:

1. Explanation of the Disposition Based on Preponderance

2. Recommended Action

3. Notifications dates

4. Completion and closure dates

### 6560 Investigations Conducted as Desk Reviews

LPPH DRAFT 7022-CCL (new item)

With supervisory approval, an investigation is prioritized as a *Priority 5: Desk Review* when there is a self-report concerning allegations of minor minimum standard violations and the parent has no concerns regarding supervision or safety.

A desk review may include:

a. making phone calls,

b. sending or receiving electronic communication, or

c. requesting documentation via electronic delivery.

The investigator must contact the operation during the investigation and may contact additional collateral sources, if applicable.

#### 6561 Licensing Responsibilities

LPPH DRAFT 7022-CCL (new item)

Procedure

The inspector reviews the information obtained during the investigation and takes one of the following actions:

a. Accepts the response provided by the operation concerning the allegations

b. Seeks supervisory approval to reclassify the investigation as a Priority 4 (see 6562 Reclassifying a Desk Review Investigation as a Priority 4)

If the response is accepted, the inspector also:

b. evaluates whether the operation should receive citations;

c. documents the investigation in CLASS according to the policies outlined in 6532.5 Documentation of Investigations Conducted as a Desk Review;

d. notifies the operation about the results of the investigation using the CLASS Investigation Letter (see [6700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6700) Documenting an Investigation).

#### 6562 Reclassifying a Desk Review Investigation as a Priority 4

LPPH DRAFT 7022-CCL (new item)

Licensing staff may seek supervisory approval to change a *Priority 5 – Desk Review* to a *Priority 4 – Desk Review* to complete the investigation and conduct an inspection under the following circumstances:

• Licensing staff determines that the response from the operation is unsatisfactory

• The information obtained during the investigation indicates there is elevated risk

Licensing staff completes an investigation assigned a Priority 4 according the policy and procedures outlined elsewhere in policy.

See:

6222.6 Changing the Priority of an Investigation in CLASS

6431.3 Inspection Time Frame for Priority 4 Investigations

### 6610 Time Frames for Completion of the Investigation

LPPH ~~December 2012~~ DRAFT 7022-CCL

Time frames for completing the investigation are based upon the priority assigned to the investigation:

| Action | Priority 1 | Priority 2 | Priority 3 | Priority 4 | Priority 5 |
| --- | --- | --- | --- | --- | --- |
| Complete investigation | 30 days | 30 days | 60 days | 60 days | 60 days |

For an abuse and neglect investigation, the date in the *Investigation Complete* box on the *Investigation Conclusion* page in CLASS must match the date the investigation is submitted to the supervisor for approval in IMPACT.

## Appendix 6000-1: Time Frames for Investigations

LPPH ~~May 2013~~ DRAFT 7022-CCL

Use the table below to determine when certain actions must be taken after an investigator receives an intake report.

All days are calendar days. Supervisors may require shorter time frames on certain investigations, based on the risk to children. Investigators document all investigation activities on the same day that the activities occur, or on the following day.

For further information, see [6200](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6200) Assessing and Processing Intake Reports.

| Action | Priority 1 (P1) Intakes | Priority 2 (P2) Intakes | Priority 3 (P3) Intakes | Priority 4 (P4) Intakes | Priority 5 (P5) Intakes |
| --- | --- | --- | --- | --- | --- |
| Initiation of the investigation | 24 hours | A/N – 72 hours  Non-abuse or neglect: 5 days | 15 days | N/A | 5 days |
| Abuse or neglect (A/N) investigations – Observe or interview alleged victim | 5 days | 7 days | N/A | N/A | N/A |
| Inspection at operation | 15 days | 15 days | 30 days | 45 days for CPA Internal Investigations  30 days for all other types of investigations | N/A |
| Complete the investigation | 30 days | 30 days | 60 days | 60 days | 60 days |
| Investigations: Complete the documentation | 30 days | 30 days | 60 days | 60 days | 60 days |
| A/N investigations: Prepare draft notification letters | 30 days | 30 days | N/A | N/A | N/A |
| A/N Investigations – *Saves and Submits* the investigation in IMPACT to the supervisor for approval | 30 days | 30 days | N/A | N/A | N/A |
| A/N Investigations – Supervisor approves and closes the investigation in IMPACT | 45 days | 45 days | N/A | N/A | N/A |
| Finalize and mail the notification letters | 50 days | 50 days | 60 days | 60 days | 60 days |

Additional Time Frames for Investigating a Child’s Death

| Action | Time Frame |
| --- | --- |
| Supervisor *Saves and Submits* the investigation in IMPACT to the secondary approver | 45 days of receiving an intake |
| Secondary approver approves and closes the investigation in IMPACT | 60 days of receiving an intake |