#### 6526 Release of Information for a Child Death or Near Fatality at a Residential Care Operation

LPPH ~~August 2014~~ DRAFT 8427-CCL

Upon request, Child Care Licensing is required to make public every reported death or near fatality of a child who was in the care of a residential child care operation that is regulated or alleged to be subject to regulation by DFPS.

Texas Family Code [§261.203](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm#261.203)

##### 6526.1 Completing the SB1050a Report to Release Information About a Child’s Death

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When a child dies while in care at a residential child care operation, the designated staff person at the DFPS state office generates the SB1050a Child Fatality Report for Release of Information to the Public in IMPACT.

Procedure

The SB1050a Child Fatality Report for Release of Information to the Public may be generated in IMPACT after the following conditions are met:

 • A date of death is entered

 • The *Child Fatality Indicator* in IMPACT is changed to *Yes* to indicate that RCCL will investigate

Within five days of the death of a child in care, the designated staff person generates the report in IMPACT by:

a clicking on the *Reports* tab;

b. clicking on the *Child Fatality Reports* tab;

c. selecting the *SB1050a* report from the drop-down menu;

d. entering filter criteria, such as the child's *Person ID*; and

e. clicking *Search*.

IMPACT automatically transfers all of the following information that is required for the report:

a. The IMPACT case identification (ID) number

b. The gender of the child

c. The date of the child’s death

d. Whether the child was in DFPS conservatorship at the time of death

e. The type of operation the child was living in

The designated staff person routes the report to a designated secondary staff person for approval.

Once the report is approved and saved in IMPACT, the secondary designated approver saves the report as a PDF to a file folder.

##### 6526.2 Completing Form 2058b When the Finding for a Child’s Death Is Reason to Believe

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If the finding of an investigation involving a child who died while living in a residential child care operation is *Reason to Believe*, the designated state office staff person:

 • completes [Form 2058b](http://intranet/application/Forms/showFile.aspx?NAME=2058b.docx) Child Fatality Completed Report for Release of Information to the Public; and

 • sends the completed form to the lead investigation analyst or the analyst's designee for approval.

The information entered on the form for release to the public includes:

a. the type of operation that the child was living in at the time of death;

b. the child’s name;

c. the operation's name;

d. any history on the foster home, if the home was previously verified by the same or another child placing agency;

e. a listing of all investigations of abuse or neglect within the last five years that involve the operation or agency home, including:

1. the date that the investigation was initiated;

2. the type of allegation;

3. the disposition;

4. whether there was a criminal investigation of the child's death;

5. whether criminal charges were filed related to the child's death;

6. whether an investigation is pending an appeal of a finding; and

7. whether the investigation involved the deceased child.

f. any violations of the minimum standards at the operation or agency home within the last five years;

g. any violations of the minimum standards related to training requirements at the operation or agency home in the last five years;

h. a summary of remedial actions against the operation, child placing agency, or agency home in the last five years; and

i. a summary of the training requirements for caregivers and employees.

##### 6526.3 Completing Form 2058c When the Finding for a Child's Near Fatality Is Reason to Believe

LPPH DRAFT 8427-CCL (new item)

When a child suffers a near fatality while in care at a residential child care operation, the designated staff person at the DFPS state office completes [Form 2058c](http://intranet/application/Forms/showFile.aspx?NAME=2058c.docx) Child Near Fatality Completed Report for Release of Information to the Public. An injury is considered near fatal when a medical professional determines that the child is in critical condition, such as when a child's condition requires a stay in an intensive care unit.

Procedure

If the finding of an investigation involving a child who suffered a near fatality while living in a residential child care operation is *Reason to Believe*, the designated state office staff person:

 • completes [Form 2058c](http://intranet/application/Forms/showFile.aspx?NAME=2058c.docx)Child Near Fatality Completed Report for Release of Information to the Public; and

 • sends the completed form to the lead investigation analyst or the analyst's designee for approval.

The information entered on the form for release to the public includes:

a. the type of operation that the child was living in at the time of the near fatality;

B. the child’s *Person ID*;

c. the operation's name;

d. any history on the foster home, if the home was previously verified by the same or another child placing agency;

e. a listing of all investigations of abuse or neglect within the last five years that involve the operation or agency home, including:

1. the date that the investigation was initiated;

2. the type of allegation;

3. the disposition;

4. whether there was a criminal investigation of the child's near fatality,

5. whether criminal charges were filed related to the child's near fatality;

6. whether an investigation is pending an appeal of a finding; and

7. whether the investigation involved the child with the near fatal injury.

f. any violations of the minimum standards at the operation or agency home within the last five years;

g. any violations of the minimum standards related to training requirements at the operation or agency home in the last five years;

h. a summary of remedial actions against the operation, child placing agency, or agency home in the last five years; and

i. a summary of the training requirements for caregivers and employees.