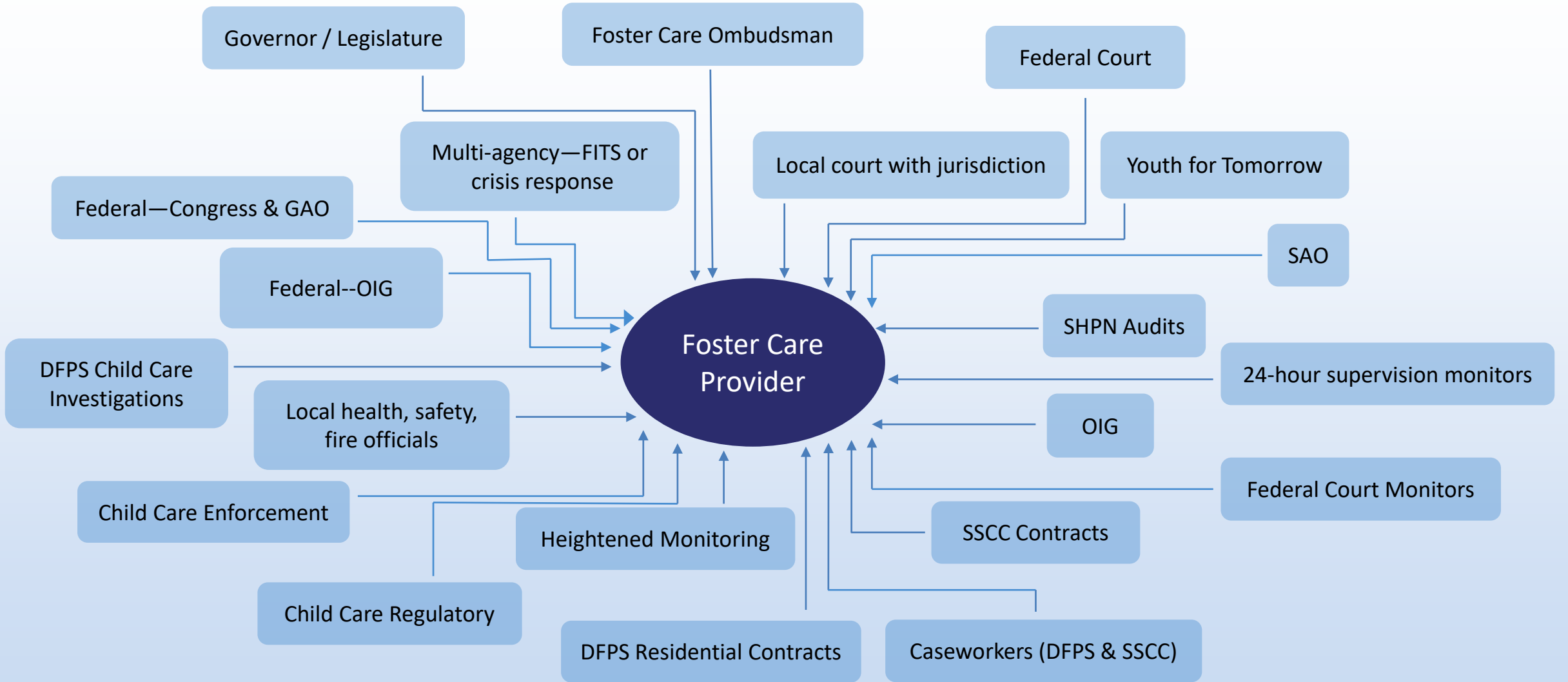


Who Does What?

A System Overview to Understanding
RCCR, RCCI, CPS, RCC, CCE & SSCC



Mapping Oversight for Residential Foster Care Providers



Influencers

- Insurance
- LE
- Media
- Audits
- Accrediting bodies
- Foster parents/staff
- Foundations
- Schools
- CASA/AAL/GAL



TEXAS
Health and Human
Services

Residential Child Care Regulation (RCCR) and Child Care Enforcement (CCE)

Residential Child Care Regulation(RCCR)

Protects the health, safety, and well-being of children who reside in residential childcare operations by ensuring compliance with the Minimum Standards.



HHSC Vision and Mission

Vision: Making a positive difference in the lives of the people we serve.

Mission: Improving the health, safety and well-being of Texans with good stewardship of public resources.



Primary Residential Child Care Regulatory Functions:

- Providing Technical Assistance and Education to Providers and the Public
- Developing Minimum Standards & Administrative Rules
- Issuing Applications and Permits
- Conducting Inspections (*Routine & Heightened Monitoring*)
- Investigating Violations of Minimum Standards
- Completing Background Checks
- Administrator Licensing
- Referring and Monitoring Enforcement Actions



Residential Child Care Regulation

When will RCCR visit your operation?

- Monitoring inspections
- Investigations
- At least one annual ETC (Enforcement Team Conference)

When will RCCR visit an agency home?

- Random sampling of agency homes
- Investigations, including allegations of serious incidents and violations of minimum standards involving a child under the age of six.



What Happens During an Inspection?

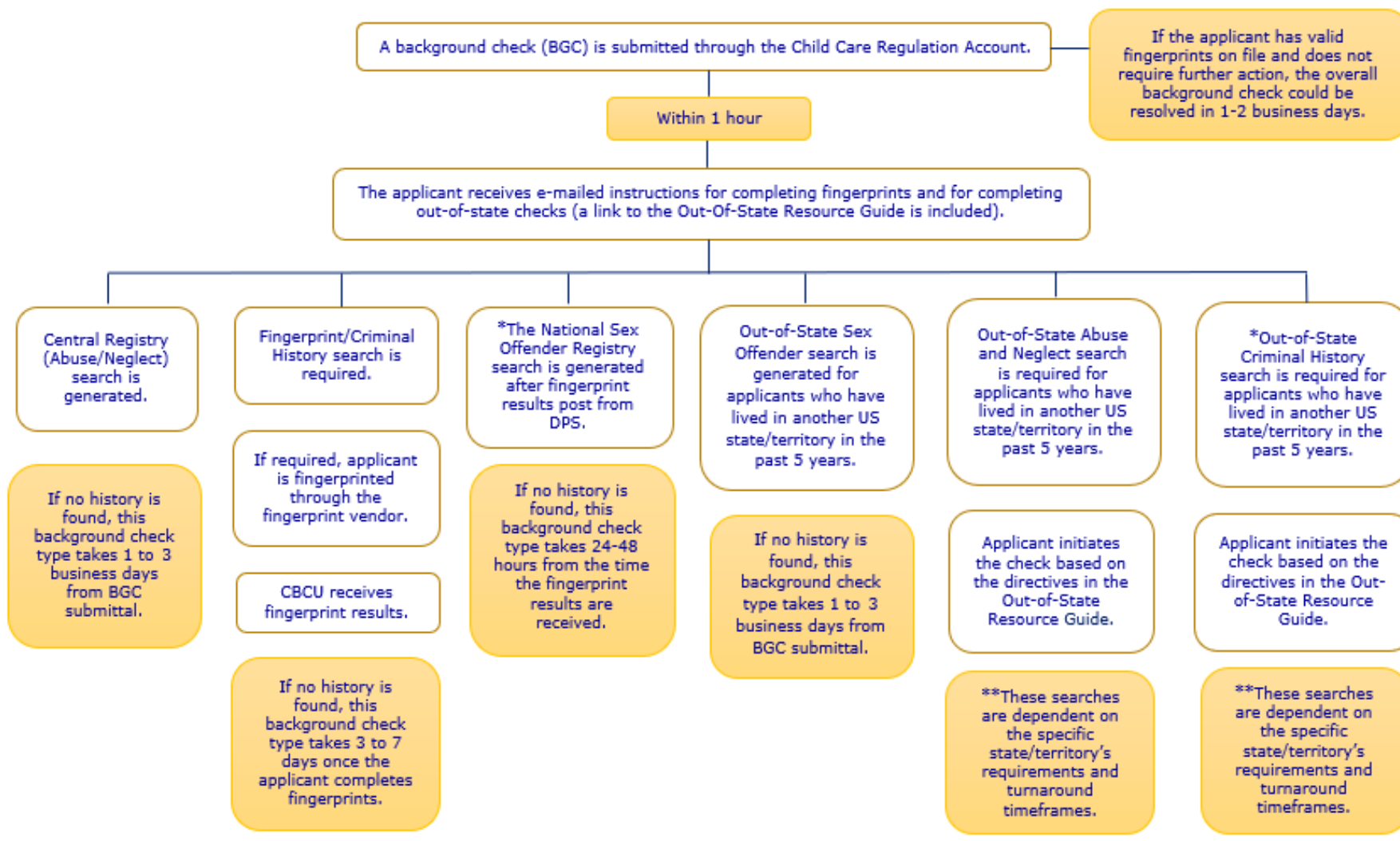
CCR/HM Inspector:

- introduces themselves and explains the purpose of inspection
- conducts a walk-through
- interviews Children, Staff, Employees, Caregivers
- reviews a sample of records
- conducts Exit Conference
- provides inspection form 2936 or sampling form 2979

HHSC RCCR's Role in DFPS Abuse and Neglect Investigations

- Review investigation to determine if there are any minimum standards violations
- Issue citations, if appropriate
- Complete and send the investigation letter
- Notify operation
- Follow-up inspection, if necessary

Timeline of a Background Check



The background check types listed within this chart do occur concurrently.

*Residential Child Care populations do not require the National Sex Offender Registry check or the Out-of-State Criminal History check.

**The average timeframe for the completion of a background check that requires Texas and out-of-state checks is 39 days.



Heightened Monitoring (HM)

Remedial Order #20

RCCL and/or any successor entity charged with inspections of child care placements, will identify, track and address concerns at facilities that show a pattern of contract or policy violations. Such facilities must be subject to heightened monitoring by DFPS and any successor entity charged with inspections of child care placements and subject to more frequent inspections, corrective actions and, as appropriate, other remedial actions under DFPS' enforcement framework.




What Happens at a HM Inspection?

HHSC and DFPS share responsibility for at least *weekly* unannounced visits to the operation.

Three types of HM Inspections:

- Pre-Plan HM Inspections: Completed during the 30-day period between HM notification and HM plan approval known as HM plan development.
- Plan in Effect HM Inspections: after the HM plan is approved and the inspections/visits are focused on HM plan tasks and the areas that led to the operation being placed on HM.
- Post Plan Monitoring (PPM) Inspections: completed during the first three months following release from the HM plan. These are conducted by CCR HM and DFPS Contracts HM together. The last three months of PPM do not require visits however they may still occur.



Child Care Enforcement (CCE)



TEXAS
Health and Human Services

Enforcement Vision & Mission

Vision: Ensure the health and safety of every person we serve through mindful enforcement actions that effectively deter future non-compliance.

Mission: Incorporating Fairness, Accountability, Consistency, and Transparency (“FACT”) into every enforcement decision to ensure quality of life, quality of care, and health and safety for every person we serve.

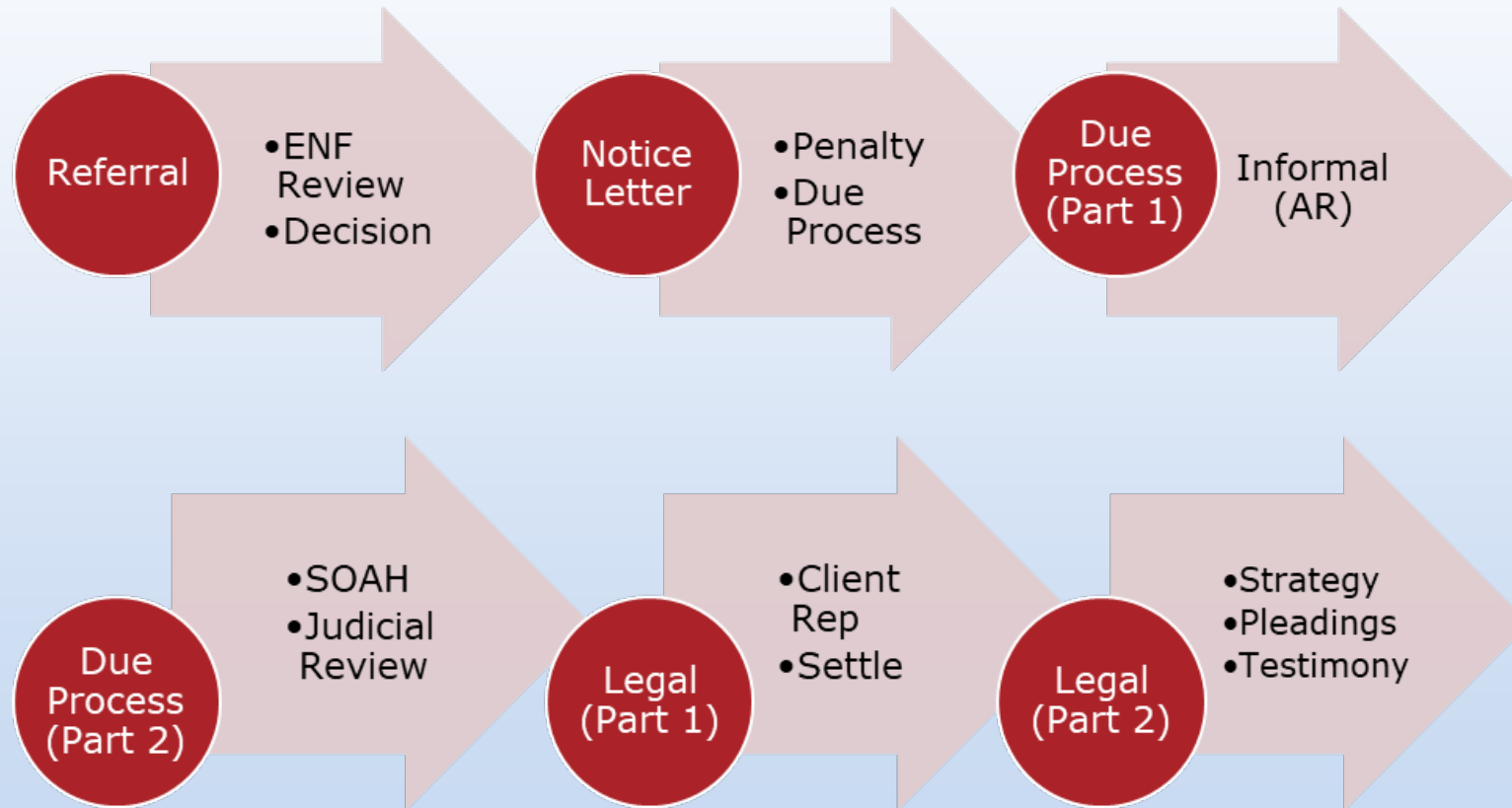
Enforcement Functions

Regulatory Enforcement serves as the centralized unit for reviewing, analyzing, and processing enforcement activities for all regulatory programs at HHSC.

Child Care Enforcement:

- Determines enforcement remedies and penalties;
- Determines licensing actions including but not limited to: probation, license revocations, and denials;
- Reviews all administrative reviews for decision;
- Collaborates with the compliance areas and Legal on all lawsuits and appeals involving Regulatory Services and consider possible referral to OAG; and,
- Negotiates and approves all settlements.

General Process: Intake, Review, & Due Process



Child Care Enforcement Policies and Procedures

*Reviews are done outside of Child
Care Regulation*

- Review referrals from CCR, cited deficiencies for Administrative Penalties, and requests for Administrative Reviews
- Reviews factors in Texas Administrative Code to determine enforcement action
- Reviews rules pertaining to citations and enforcement actions including administrative (monetary) penalties
- Documents the rationale and decision
- Provides the operation with notice and options for due process.

Child Care Enforcement

Child Care Enforcement Administrative Penalties

CCE Reviews:

- Factors for Enforcement Monetary Penalties
 - Flat rate
 - Daily
- Reviews Minimum Standard rules implicated and compare against facts
- Reviews documentation and facts of the investigation

CCE Documents:

- Rationale
- Decision and review

CCE Issues the Notice to Operation of Recommendation for Administrative Penalty and the option for the operation to request SOAH to the dispute penalty.



Child Care Enforcement

Child Care Enforcement Reviews

- Reviews Factors for all Enforcement Actions;
- Reviews Minimum Standard rules implicated and compare against facts;
- Reviews documentation and investigative information, considering deficiencies for which the administrative review has been upheld or waived;
- Reviews for immediate threat if warranted
- Compares decision against other similarly situated operations;
- Documents rationale;
- Documents decision and review;
- Drafts the corrective action or Adverse Action letter;
- Provides notice to the operation with option to request AR.

Child Care Enforcement

How does Child Care Enforcement offer due process?

If the Operation Receives	Then the Operation Has
Citation	15 days to submit request for administrative review
Administrative Penalty	30 days to request hearing with SOAH
Notice of probation-	15 days to submit request for administrative review
Intent to Impose Adverse Action-	15 days to submit request for administrative review <ul style="list-style-type: none">• if upheld or no administrative review requested• 30 days to request hearing with SOAH

Child Care Enforcement:

- Receives the request for an administrative review
- Holds an administrative review meeting with operation
- Reviews documentation and investigative information specific to deficiency(ies) under review
- *May speak to inspector for clarification, as needed*
- Reviews laws, rules, and Minimum Standards pertaining to citation(s) under review
- Documents rationale
- Notifies operation and CCR of administrative review outcome

Decisions for deficiencies are not subject to further review.

Child Care Enforcement

What are Child Care Enforcement's timeframes for Administrative Reviews?

Task	Timeframe
Determine if a request received is timely and complete	Within 10 days of receiving AR request
Contact requestor to schedule AR or determine if more time is necessary	Within 10 days of receiving AR request
Conduct AR conference	Within 30 days of contacting the requestor to schedule or the requestor receiving records from HHSC or DFPS
Determine outcome of AR	Within 21 days of conducting AR conference



TEXAS
Department of Family
and Protective Services

Child Protective Services (CPS)

Single Source Continuum Contractor (SSCC)

Residential Child Care Contracts (RCC)

Residential Child Care Investigations (RCCI)

Child Protective Services (CPS)



Texas Department of
Family and Protective Services

CPS: Mission, Vision & Values

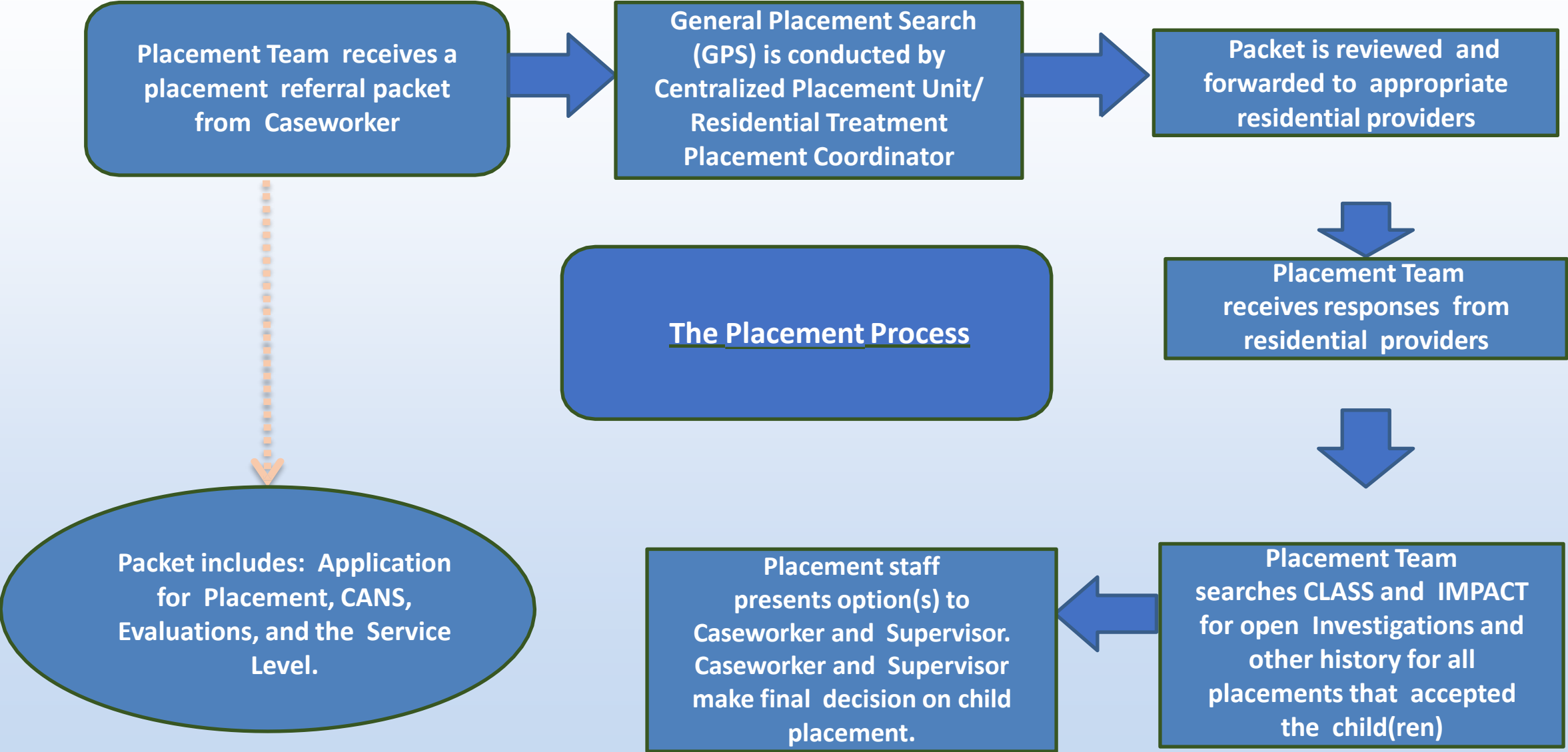
Mission: We partner with families and communities to address child abuse and neglect by practicing in a way that ensures safety, permanency, and well-being for the children and youth we serve.

Vision: Children First: Protected and Connected

Values: Our values represent the ideals we share and serve as broad guidelines for every situation.

- Respect
- Commitment
- Integrity
- Equity
- Urgency

CPS: Placement Process



Placement Decisions – Factors Considered

The safety of the child is the paramount consideration in any placement selection.

The caseworker must consider the following:

- Placement with a noncustodial parent if there are no concerns of abuse or neglect
- Placement with siblings
- Placement with relatives and other persons with whom the child has a significant relationship
- The child's education needs, including the need to maintain education stability
- Placement in the least restrictive, most family-like setting
- Proximity of placement to the child's home
- Child's individual needs (medical, supervision, religious, therapeutic, visitation, etc.) and preferences
- Biological parents' recommendations
- Substitute caregiver's circumstances (ability to meet the child's needs) – for foster homes, this includes history of abuse and neglect allegations while verified with previous child placing agencies, if applicable.
- Substitute caregivers' licensing variances.
- Any special supervision or contact guidelines in place due to child's sexual victimization or aggression history

Other important considerations:

- Attorney Ad Litem and CASA recommendations
- The setting best suited for the child's needs
- The child's permanency plan

Placement Decisions – Caregiver Considerations

The caseworker considers the **Caregiver's**:

- location
- language(s)
- training, skills, and experience
- ability to:
 - meet the child's emotional needs
 - meet the supervision needs of the child
 - manage the child's behavior
 - support the child's development of self-esteem
 - support the child's permanency plan
 - support the plan for parental visitation;
 - meet the child's transportation requirements, and
 - work with the child's parents
- capacity to:
 - accept siblings or
 - help siblings stay in touch if they are placed separately
- plans for vacations and respite care (and their possible effect on the child)
- relationship (if a relative caregiver) to the child's parents, and
- safety from the alleged perpetrator.

Caseworker Visits

The caseworker must visit the child on a monthly basis and visits must be focused on issues relevant to case planning and service delivery to ensure the safety, permanency, and well-being of the child. The majority of visits must occur in the child's residence (placement) and some will be unannounced.

During a visit, the caseworker must do a physical walk-through of the home including backyards or outdoor areas.

The caseworker must talk to the child about:

- the child's thoughts and feelings about living with the caregiver and being away from home,
- the child's interactions with other children in the home,
- the child's participation in normalcy activities (sports, recreation, entertainment, spending time with friends, etc.),
- the child's progress in school,
- the child's interactions with other children and adults in the home,
- the child's ability to seek help if needed,
- discipline in the home, and
- the status of the case.

The caseworker also must help the child prepare for being:

- reunited with his or her family; or
- moved to another permanent living situation, if family reunification has been ruled out.

Permanency

Positive permanency is the philosophy that guides DFPS in permanency planning for children in DFPS conservatorship. Positive permanency means that DFPS seeks an outcome in which the child exits DFPS care into a permanent setting that includes a legal relationship to a family. Positive permanency is achieved when children are reunified, adopted, or permanent custody is given to another individual. Every child needs a permanent and stable home, preferably with their family or fictive kin.

The permanency planning process directs services toward providing the child:

- ✓ a safe living situation;
- ✓ a permanent living situation, where the placement is intended to be permanent and consistent with the permanency goal;
- ✓ a family committed to the child;
- ✓ an enduring and nurturing family relationship that can meet the child's needs;
- ✓ a sense of security;
- ✓ a legal status that protects the rights of the child without DFPS maintaining conservatorship,
- ✓ whether the child is being placed permanently with a family or transitioning to adulthood; and
- ✓ connections to caring adults who will support the youth into adulthood during and after the transition to independent living.

40 TAC [§ 700.1201](#)

Single Source Continuum Contractor (SSCC)

Current SSCCs

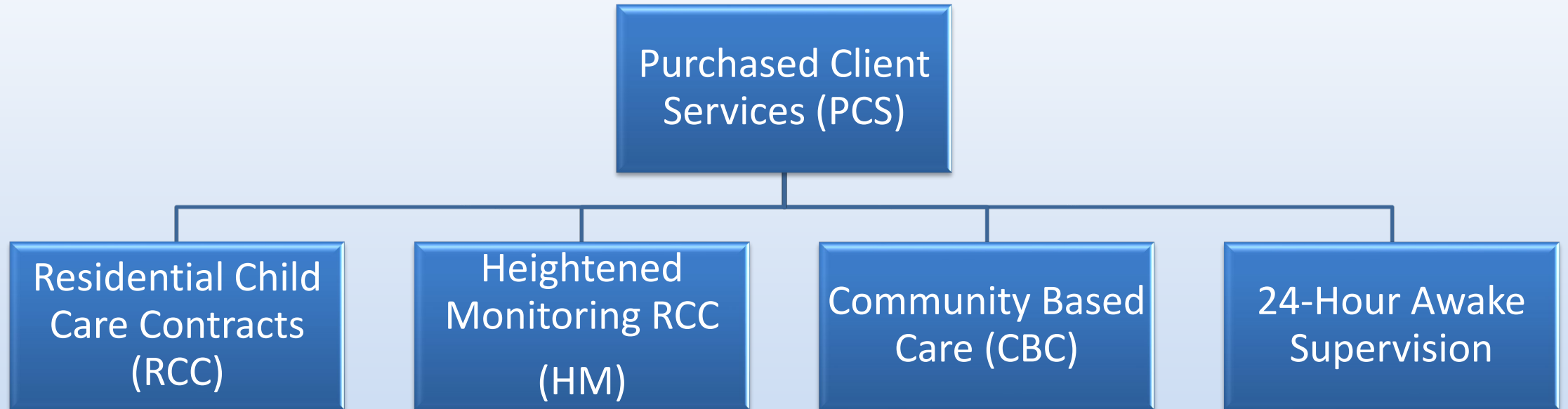
Catchment Area	Name	Website
Region 1	Saint Francis Community Services in Texas, Inc.	saintfrancisministries.org
Region 2	2INgage, a division of Texas Family Initiative	www.2ingage.org
3b (Erath, Hood, Johnson, Tarrant, Palo Pinto, Somervell and Parker counties)	Our Community Our Kids, a division of ACH Child and Family Services	www.ourcommunity-ourkids.org
8b (all counties except Bexar)	Belong, a division of SJRC of Texas	sjrcbelong.org

Residential Child Care Contracts (RCC)

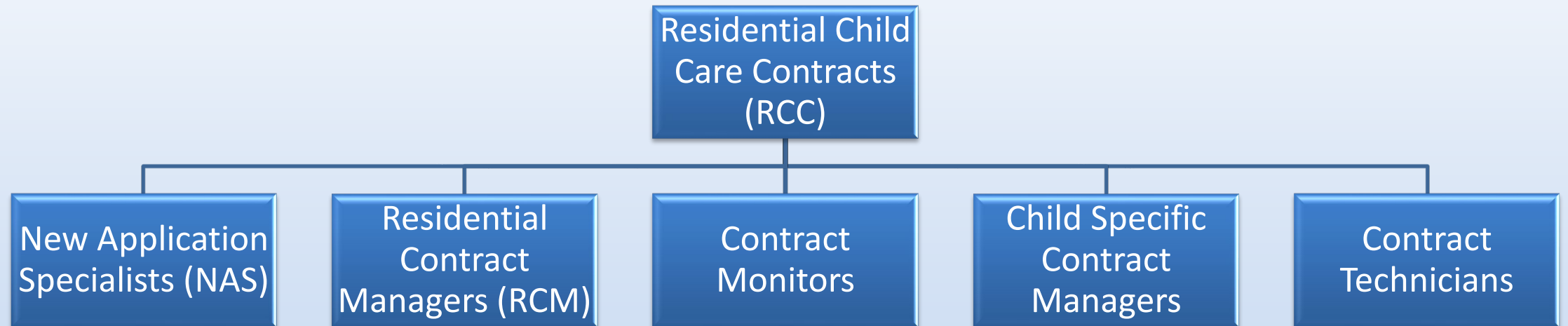


Texas Department of
Family and Protective Services

DFPS Purchased Client Services



Residential Child Care Contracts (RCC)



Residential Child Care Contracts

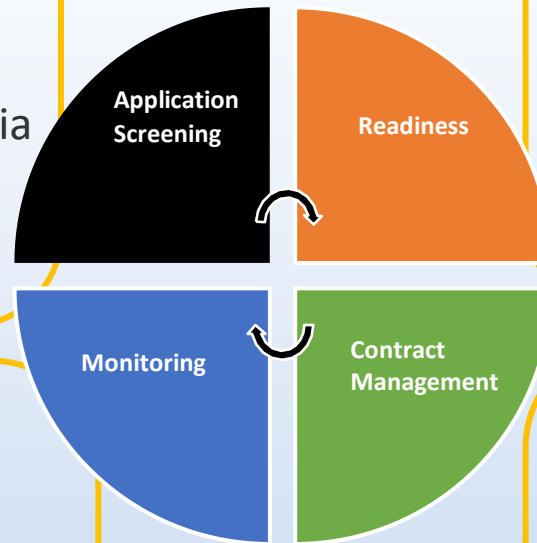
RCC staff are responsible for:

- Working with CPS to plan the purchasing of contracted services, establishing the qualifications, service deliverables, identifying reporting and documentation requirements, determining a payment methodology and performance measures for each service;
- Development of the contract;
- Contract administration and management;
- Contract monitoring and accountability; and
- Resolution of contracting issues.

RCC Functions & Activities

APPLICATION PHASE: *Application Specialist & Fiscal Officer*

- Initial Compliance Screening
- Suitability against eligibility criteria



PROVISIONAL CONTRACTING PHASE: *Application Specialist*

Anticipate critical elements or aspects of readiness and initial implementation that are more likely to pose challenges for the organization

MONITORING:

- Monitoring Specialist
- Heightened Monitoring Team
- 24-Hour Awake Supervision Contract Specialist
- Third Party Utilization Reviewer
- Residential Contract Manager

CONTRACT MANAGEMENT: *Residential Contract Manager*

- Completes Annual Risk Analysis
- Provides Technical Assistance
- Reports Performance Measures
- Certifies on-going compliance
- Processes Supplemental Payments
- Critical Processes Effectiveness
- Deliverables Compliance

RCC Heightened Monitoring (HM)

Research Compliance History

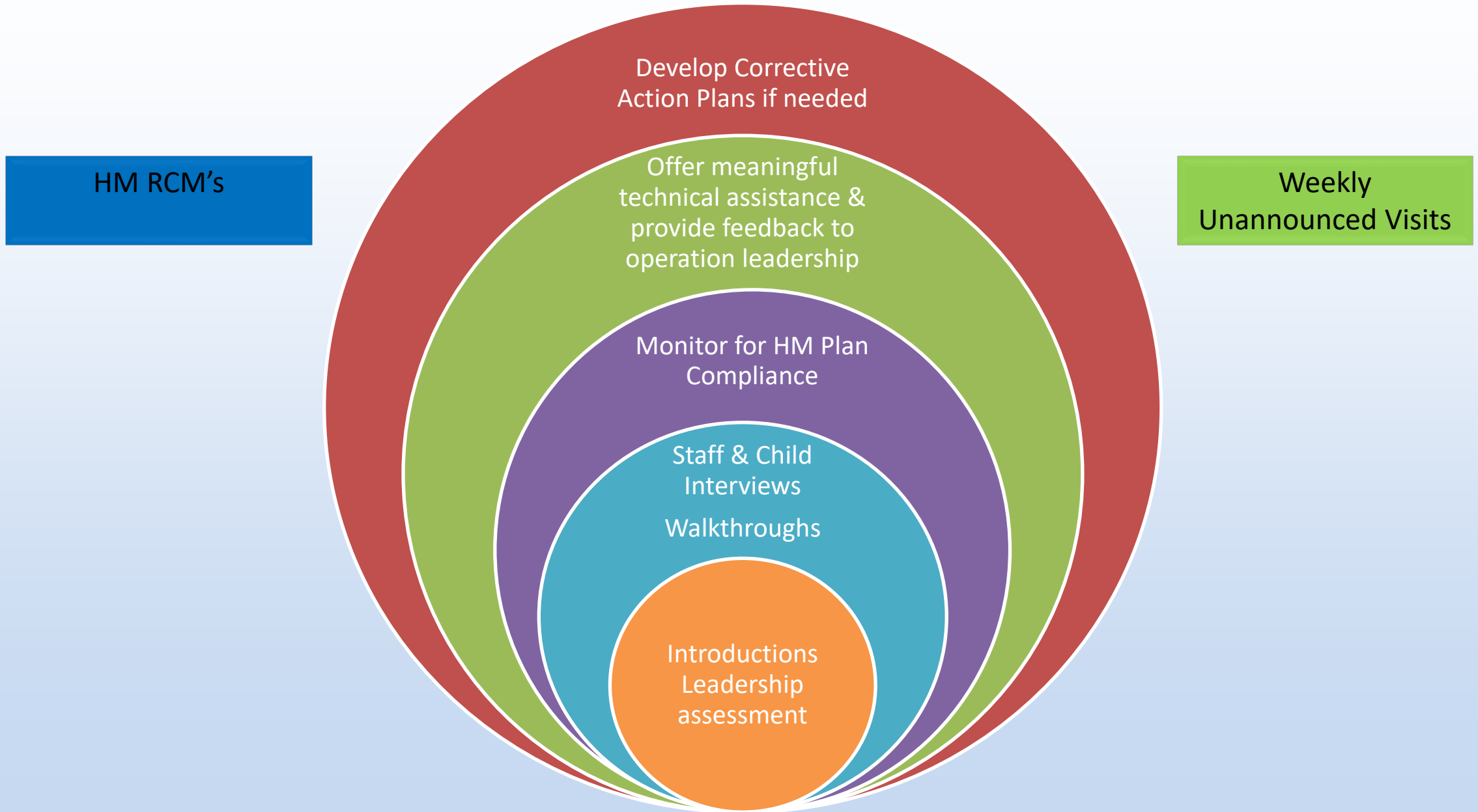
Lead and Schedule Development
Team Meetings

HM Program
Specialists

Development of HM Plans

Assess Operations compliance
with HM and provide feedback

RCC Heightened Monitoring (HM)



24 Hour Overnight Awake Supervision



24 Hour Overnight Awake Supervision

Operations who are licensed for 7 or more youth, contract with DFPS or an SSCC and have a placement of at least one DFPS youth require a visit, this will include:

General Residential Operations

Foster Homes with 7 or more children (Requires CPS approval)

Out of state operations

Residential Child Care Investigations (RCCI)



Texas Department of
Family and Protective Services

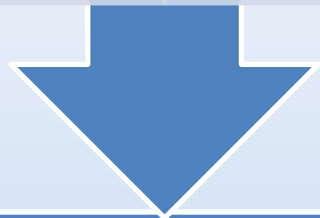


Residential Child Care Investigations

RCCI is a program within DFPS-Child Protective Investigations

Investigates child abuse, neglect, and exploitation allegations in 24-hour residential child-care operations subject to regulation by HHSC-CCR

Investigates child abuse, neglect, and exploitation allegations in child-care facilities that are subject to regulation but operate illegally without a permit from HHSC-CCR



RCCI investigates allegations involving children placed by DFPS, other entities, or by parents or other legal guardians.



Residential Child Care Investigations

RCCI Investigators:

- Investigate abuse/neglect/exploitation in residential child care facilities.
- Conduct unannounced visits to conduct interviews and collect evidence.
- Are trained on the Texas Administrative Code and Minimum Standards for childcare operations.
- Collaborate with HHSC-CCR in conducting risk assessments.
- Make determinations on if abuse, neglect, or exploitation occurred.
- Share investigation findings and possible minimum standard rule violations with the HHSC-CCR division to inform regulatory enforcement actions.
- RCCI findings are a part of the operation's compliance history.



Residential Child Care Investigations

RCCI investigators assesses child safety throughout the life of the case by identifying:

- safety concerns impacting children in a child care operation; and,
- the scope and severity allegations.

RCCI involves the child, child care administrators, other child care operation staff, managing conservators, therapists, school personnel, medical professionals, other children residing in the home or facility, household members, case managers, attorneys, CASA workers, and many others in obtaining information about allegations and the child's experience at the operation.

If a child needs immediate protection from abuse or neglect at any point in an investigation, the investigator takes actions to provide for the child's safety through safety planning.



Residential Child Care Investigations

An investigation is considered complete when all information has been gathered to determine a disposition and it has been submitted for approval within 30 days.

- Collection of evidence includes:
 - interviews with alleged victims, alleged perpetrators, witnesses, and collateral sources;
 - video and audio recordings;
 - Photographs;
 - written statements;
 - documentation of medical treatment diagrams and timelines;
 - operation records for children, caregivers, and staff; and,
 - any other physical evidence.



Residential Child Care Investigations

- There are four dispositions:
 - Reason to Believe (RTB)
 - Ruled Out (R/O)
 - Unable to Determine (UTD)
 - Administrative Closure (ADM)
- Reviews and Appeals:
 - Administrative Review of Investigative Findings (ARIF) – by DFPS State Office
 - State of Administrative Reviews (SOAH)
 - by Administrative Law Judge (ALJ)

Questions?

Contact Information:

info@tacfs.org

HHSC

CCRQuestions@hhs.texas.gov

heightened_monitoring@hhs.texas.gov

ContactCBCU@hhs.texas.gov

CCFEnforcement.residential@hhs.texas.gov

DFPS

CPS@dfps.texas.gov

dfpsresident@dfps.texas.gov

*for RCCI – contact individual investigator



Thank You

