

# RCCL

## Residential Child Care Licensing Overview

The Texas Department of Family and Protective Services is granted its authority to regulate child care facilities and child placing agencies by the Texas Legislature in Chapter 42 of the Texas Human Resources Code.

The purpose of regulation is to protect a group or class of children by establishing and enforcing statewide minimum standards.

### Paid Expenditures and Total Average Filled FTE Staff

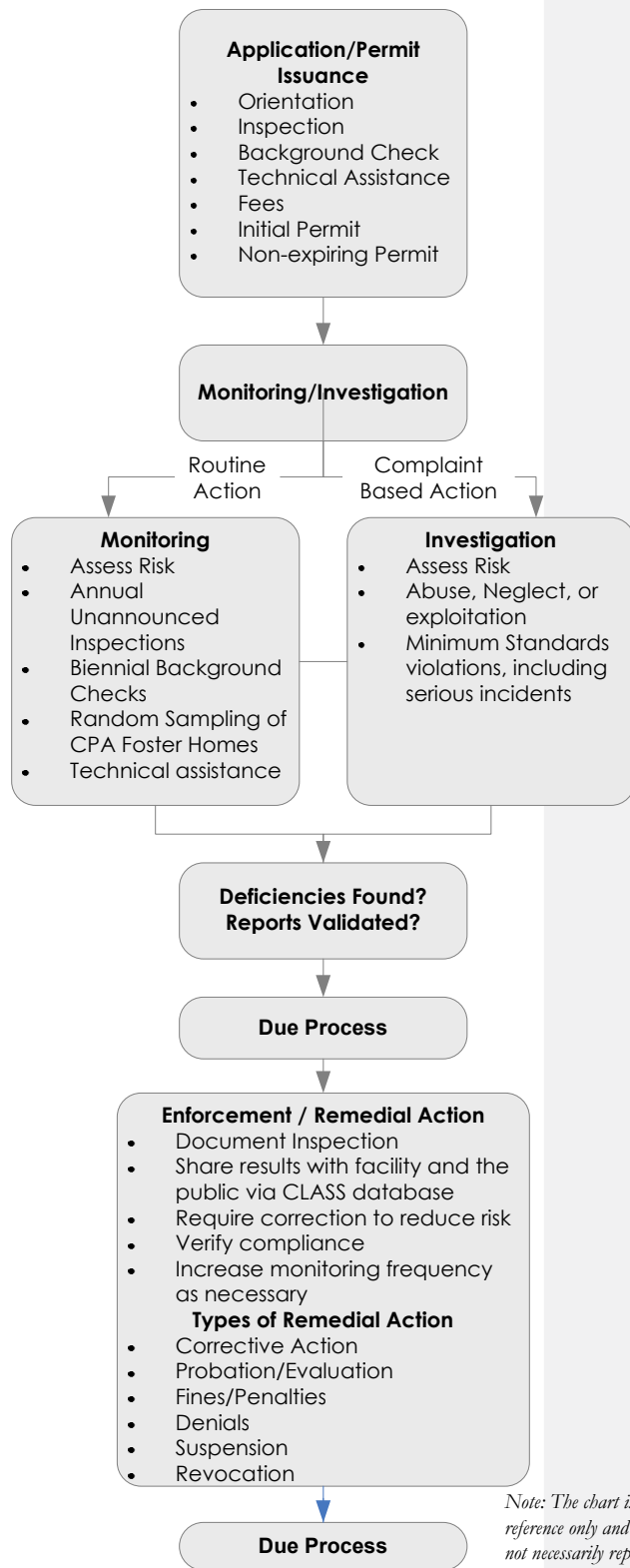
<b>Filled FTE Staff</b>	
Total Staff	168.3
Direct Delivery Total Staff	162.6
Caseworkers	119.0
Supervisors	22.4
Clerical	14.4
Other	12.5
Staff Costs	\$8,745,272.45

### Worker Demographics

Turnover Rate	13.9%
Tenure:	
Less Than 1 Year	5.9%
1 - 3 Years	41.2%
Greater than 3 Years	52.9%
Entry Salary (Inv)	\$36,355.68
Entry Salary (Non-Inv)	\$32,610.96
Average Age	39.6
Race/Ethnicity:	
African-American	37.0%
Anglo	39.5%
Hispanic	21.8%
Other	1.7%

### Supervisor Demographics

Turnover Rate	4.4%
Tenure:	
Less Than 1 Year	4.5%
1 - 3 Years	9.1%
Greater than 3 Years	86.4%
Entry Salary	\$43,673.00
Average Age	40.2
Race/Ethnicity:	
African-American	45.5%
Anglo	22.7%
Hispanic	27.3%
Other	4.5%



*Note: The chart is for reference only and does not necessarily represent the flow of a case.*

### Statistics FY 2010

24-Hour Care Facilities	10,322
Capacity of Facilities	42,722
Abuse/Neglect Investigations	1,751
Non-Abuse/Neglect Investigations	2,938
Inspections	10,488
Adverse Actions	1

## Legal Responsibility for Child-Care Licensing

**Day Care and Residential Care: Statutory References**  
**Social Security Act**  
**Human Resources Code, Chapters 40, 42, and 43**  
**Texas Family Code, Title 5**  
**Texas Government Code**  
**Texas Health and Safety Code, Chapter 249**  
**Texas Administrative Code, Title 40**

### Major Provisions:

- Develop minimum standards to promote the health, safety and well being of children in out-of-home care.
- Inspect child-care operations to ensure they maintain compliance with minimum standards.
- Investigate allegations of abuse/neglect, violations of standards violations or the law and ensure appropriate corrective or adverse actions are taken.
- Conduct criminal background checks and DFPS central registry checks on caregivers, other adults and youth age 14 – 18 who will be in frequent contact with children in child-care operations excluding children in care.
- Offer consultation to potential applicants and permit holders about meeting and maintaining compliance with Licensing standards, and achieving programs of excellence.
- Educate and advise consumers of child-care operations by providing the operations' compliance history.
- Enforce regulatory requirements for illegally operating child-care providers.
- Educate the public about choosing regulated child care.

### Other Programmatic Information: Challenges

- Appropriately and consistently enforcing minimum standards across the state.
- Developing inclusive, appropriate and effective relationships with child-care operations resulting in increased compliance and stronger protection for children.
- Providing technical assistance to child care operations struggling to manage behavior problems exhibited by children.
- Providing thorough, efficient and timely background check results to over a quarter of a million people seeking to work in child care, foster care or seeking to adopt a child.
- Maximizing Technology resources to improve the efficiency and effectiveness of regulation.
- Balancing issues of child safety with the need for the least restrictive environment for children in CPS conservatorship, and
- Adopting standards to protect the health and safety children in care without impacting the affordability and availability of that care.

# Fiscal Year 2004 and 2010 Pre- and Post-Reform Statistics by Region (RCCL)

2004	Region 1 - Lubbock	2010
0.0%	Turnover	0.0%
\$44,338	Average Base Salary	\$38,003
95	Inspections	505
129	Investigations	206

2004	Region 2 - Abilene	2010
0.0%	Turnover	14.3%
\$0	Average Base Salary	\$37,434
38	Inspections	332
134	Investigations	156

2004	Region 3 - Arlington	2010
0.0%	Turnover	36.4%
\$39,191	Average Base Salary	\$36,013
341	Inspections	2,111
436	Investigations	878

2004	Region 9 - Midland	2010
0.0%	Turnover	0.0%
\$0	Average Base Salary	\$47,627
24	Inspections	133
87	Investigations	61

2004	Region 7 - Austin	2010
26.7%	Turnover	11.9%
\$34,351	Average Base Salary	\$35,920
396	Inspections	1,390
603	Investigations	618

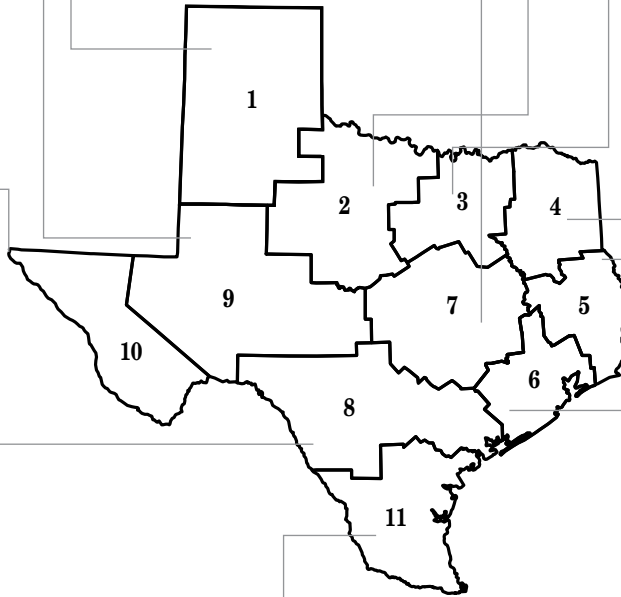
2004	Region 4 - Tyler	2010
0.0%	Turnover	50.0%
\$32,501	Average Base Salary	\$39,596
95	Inspections	329
139	Investigations	170

2004	Region 10 - El Paso	2010
0.0%	Turnover	0.0%
\$32,865	Average Base Salary	\$40,481
38	Inspections	254
47	Investigations	102

2004	Region 5 - Beaumont	2010
100.0%	Turnover	0.0%
\$34,518	Average Base Salary	\$40,125
57	Inspections	277
62	Investigations	125

2004	Region 8 - San Antonio	2010
38.1%	Turnover	0.0%
\$34,462	Average Base Salary	\$37,911
337	Inspections	1,686
367	Investigations	787

2004	Region 6 - Houston	2010
0.0%	Turnover	18.7%
\$36,337	Average Base Salary	\$37,089
660	Inspections	2,637
991	Investigations	1,245



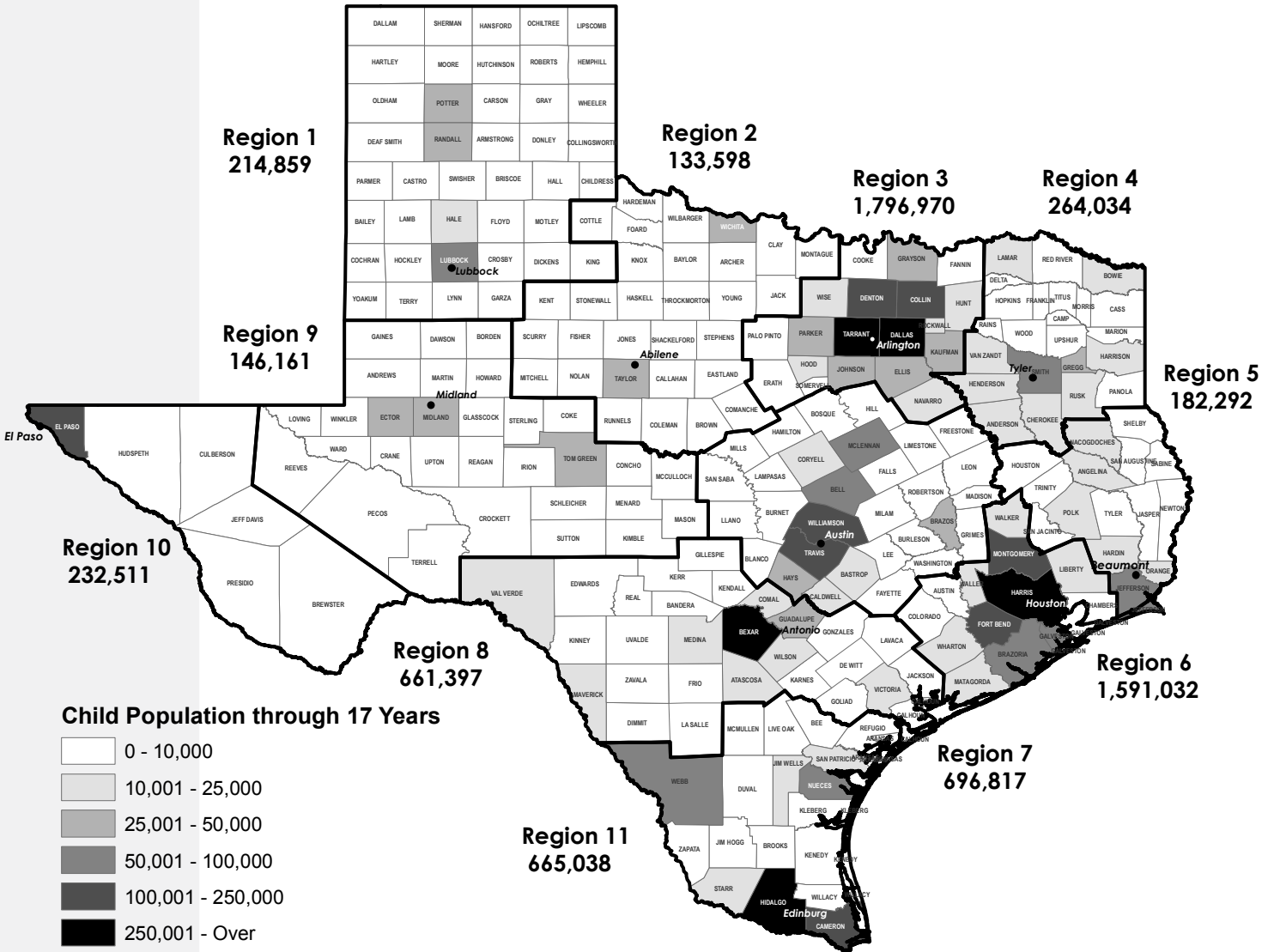
2004	Region 11 - Edinburg	2010
0.0%	Turnover	0.0%
\$33,926	Average Base Salary	\$38,695
132	Inspections	816
339	Investigations	348

2004	Statewide Totals	2010
33.8	Caseworkers*	119.0
12.9%	Turnover	13.9%
\$36,499	Average Base Salary	\$37,465
2,213	Inspections	10,473
3,341	Investigations	4,696

\* RCCL workers report to a state office division and are not regionally allocated.  
 Note: The State Total for Inspections and Investigations includes those where the Region was Unknown and/or Out of State.  
 Note: The State Total for Inspections and Investigations does not include Illegal Operations.

**Texas Child Population  
Ages Birth through 17 Years  
Fiscal Year 2010**

State Total: 6,584,709



Population Data Source: Texas State Data Center, University of Texas (San Antonio)

## Residential Child Care Licensing Operations\* in Texas as of August 31

Year	Child Placing Agencies (CPA)**	Homes Verified by CPAs	General Residential Operations	Independent Foster Family and Group Homes	Residential Treatment Centers	Maternity Homes	Total Licensed Residential
2006	304	9,842	140	20	91	15	10,412
2007	332	9,438	140	15	87	16	10,028
2008	331	9,518	144	10	90	13	10,106
2009	334	9,761	150	14	89	13	10,361
2010	341	9,731	154	7	79	10	10,322

\* Counts do not include Applicants

\*\* Counts include Branch Offices

## Residential Child Care Licensing Operations in Texas as of August 31

	2009		2010	
	Count	Capacity	Count	Capacity
<b>Child Placing Agencies*</b>				
Main Offices	204	NA	200	NA
Branch Offices**	130	NA	141	NA
Subtotal	334	NA	341	NA
<b>Homes Verified by Child Placing Agencies</b>	<b>Count</b>	<b>Capacity</b>	<b>Count</b>	<b>Capacity</b>
Agency Foster Homes ***	6,602	22,350	6,741	22,632
Agency Group Homes ***	440	3,974	436	3,894
CPS Foster Family Homes	1,754	5,239	1,732	5,157
CPS Foster Group Homes	27	188	22	134
CPS Adoptive Homes	938	N/A	800	N/A
Subtotal	9,761	31,751	9,731	31,817
<b>Licensed Residential Operations</b>	<b>Count</b>	<b>Capacity</b>	<b>Count</b>	<b>Capacity</b>
General Residential Operations	150	7,217	154	7,050
Independent Foster Homes	3	14	1	6
Independent Foster Group Homes	11	106	6	65
Residential Treatment Centers	89	3,838	79	3,630
Maternity Homes	13	181	10	154
Subtotal	266	11,356	250	10,905
<b>Total Residential Child Care Licensing Operations</b>	<b>10,361</b>	<b>43,107</b>	<b>10,322</b>	<b>42,722</b>

\* Includes 11 DFPS Regional Child Placing Agencies

\*\* Branch Offices operate under the license authority of the main office.

\*\*\* Adoptive only homes are not included in the number of private agency homes.

## Residential Child Care Licensing Operations Regulated by Fiscal Year

## Child Placing Agencies

Region	Main Offices		Branch Offices		Total CPAs	
	2009	2010	2009	2010	2009	2010
1 Lubbock	10	10	8	11	18	21
2 Abilene	6	6	13	13	19	19
3 Arlington	68	63	21	21	89	84
4 Tyler	5	6	9	9	14	15
5 Beaumont	4	4	5	6	9	10
6 Houston	36	36	17	19	53	55
7 Austin	35	33	15	19	50	52
8 San Antonio	29	30	14	15	43	45
9 Midland	2	3	3	4	5	7
10 El Paso	4	4	5	5	9	9
11 Edinburg	5	5	20	19	25	24
Unknown/Out Of State	0	0	0	0	0	0
<b>Total</b>	<b>204</b>	<b>200</b>	<b>130</b>	<b>141</b>	<b>334</b>	<b>341</b>

## Homes Verified by Child Placing Agencies

Region	Agency Foster Homes		Agency Group Homes		CPS Foster Homes	
	2009	2010	2009	2010	2009	2010
1 Lubbock	280	296	14	11	159	150
2 Abilene	183	177	19	20	103	90
3 Arlington	1,653	1,684	93	117	382	373
4 Tyler	275	300	15	15	122	112
5 Beaumont	150	172	18	19	110	125
6 Houston	1,384	1,416	70	58	338	345
7 Austin	963	998	69	57	161	166
8 San Antonio	997	1,006	64	65	192	172
9 Midland	97	108	13	13	46	56
10 El Paso	180	152	8	9	43	42
11 Edinburg	439	431	57	52	78	68
Unknown/Out Of State	1	1	0	0	20	33
<b>Total</b>	<b>6,602</b>	<b>6,741</b>	<b>440</b>	<b>436</b>	<b>1,754</b>	<b>1,732</b>

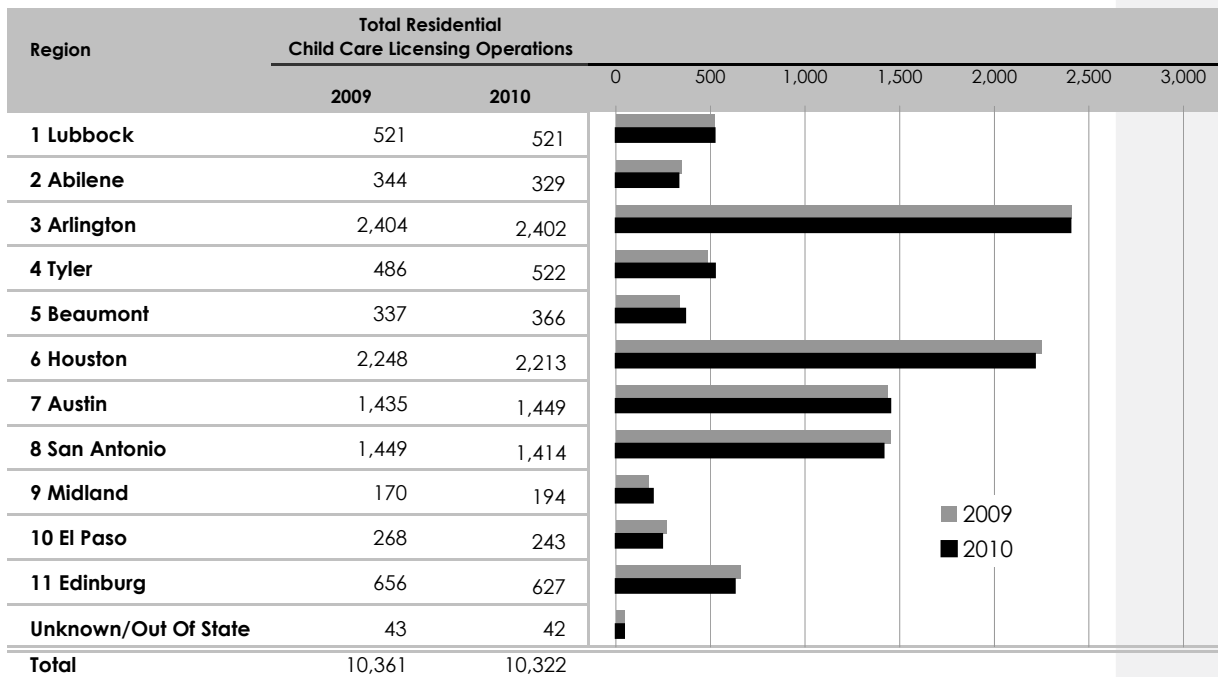
Region	CPS Foster Group Homes		CPS Adoptive Homes		Subtotal - Total Homes Verified by CPAs	
	2009	2010	2009	2010	2009	2010
1 Lubbock	4	3	30	25	487	485
2 Abilene	0	0	12	15	317	302
3 Arlington	4	4	149	109	2,281	2,287
4 Tyler	0	0	47	69	459	496
5 Beaumont	0	0	42	33	320	349
6 Houston	9	6	317	262	2,118	2,087
7 Austin	2	2	150	136	1,345	1,359
8 San Antonio	4	5	105	77	1,362	1,325
9 Midland	1	1	4	5	161	183
10 El Paso	1	0	20	25	252	228
11 Edinburg	2	1	40	36	616	588
Unknown/Out Of State	0	0	22	8	43	42
<b>Total</b>	<b>27</b>	<b>22</b>	<b>938</b>	<b>800</b>	<b>9,761</b>	<b>9,731</b>

Residential Child Care Licensing Operations Regulated by Fiscal Year

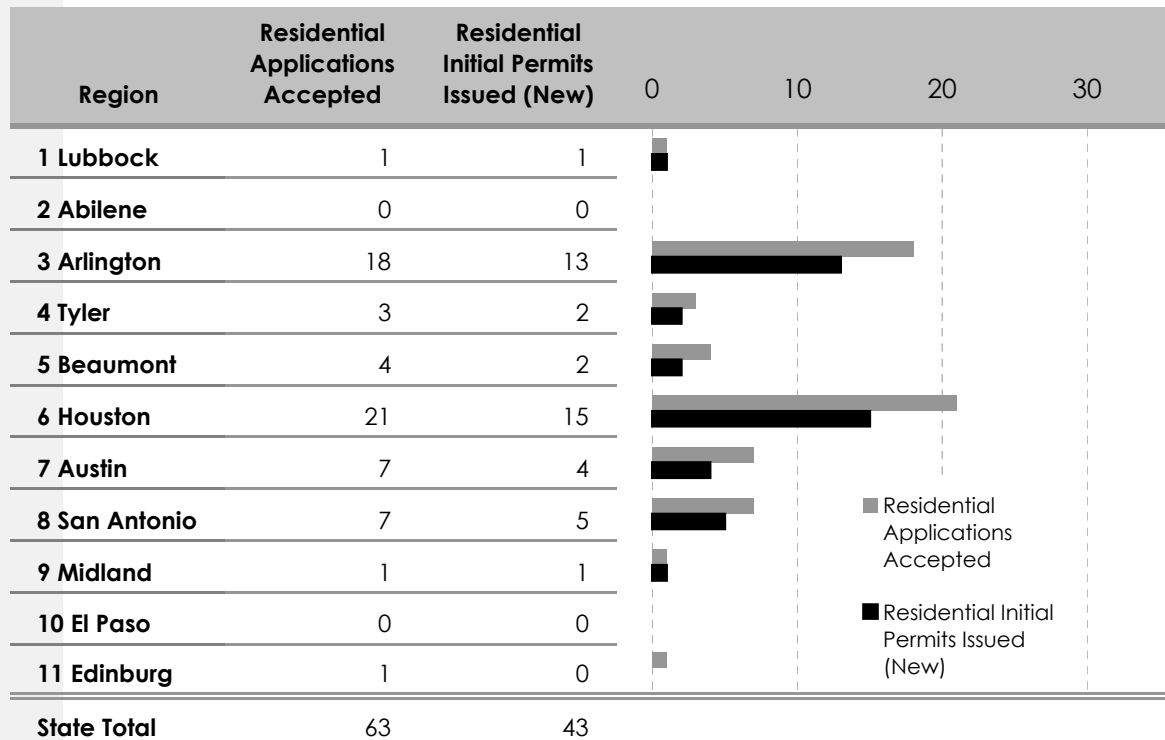
Licensed Residential Operations

Region	General Residential Operations		Independent Foster Family Homes		Independent Foster Group Homes	
	2009	2010	2009	2010	2009	2010
1 Lubbock	13	12	0	0	0	0
2 Abilene	6	6	0	0	0	0
3 Arlington	23	22	1	0	0	0
4 Tyler	7	6	0	0	0	0
5 Beaumont	5	5	0	0	0	0
6 Houston	21	28	1	0	9	6
7 Austin	22	23	0	0	2	0
8 San Antonio	30	30	1	1	0	0
9 Midland	4	4	0	0	0	0
10 El Paso	6	5	0	0	0	0
11 Edinburg	13	13	0	0	0	0
Unknown/Out Of State	0	0	0	0	0	0
<b>Total</b>	<b>150</b>	<b>154</b>	<b>3</b>	<b>1</b>	<b>11</b>	<b>6</b>

Region	Residential Treatment Centers		Maternity Homes		Subtotal - Licensed Residential Operations	
	2009	2010	2009	2010	2009	2010
1 Lubbock	2	2	1	1	16	15
2 Abilene	1	1	1	1	8	8
3 Arlington	6	7	4	2	34	31
4 Tyler	5	4	1	1	13	11
5 Beaumont	3	2	0	0	8	7
6 Houston	44	36	2	1	77	71
7 Austin	14	13	2	2	40	38
8 San Antonio	12	12	1	1	44	44
9 Midland	0	0	0	0	4	4
10 El Paso	1	1	0	0	7	6
11 Edinburg	1	1	1	1	15	15
Unknown/Out Of State	0	0	0	0	0	0
<b>Total</b>	<b>89</b>	<b>79</b>	<b>13</b>	<b>10</b>	<b>266</b>	<b>250</b>



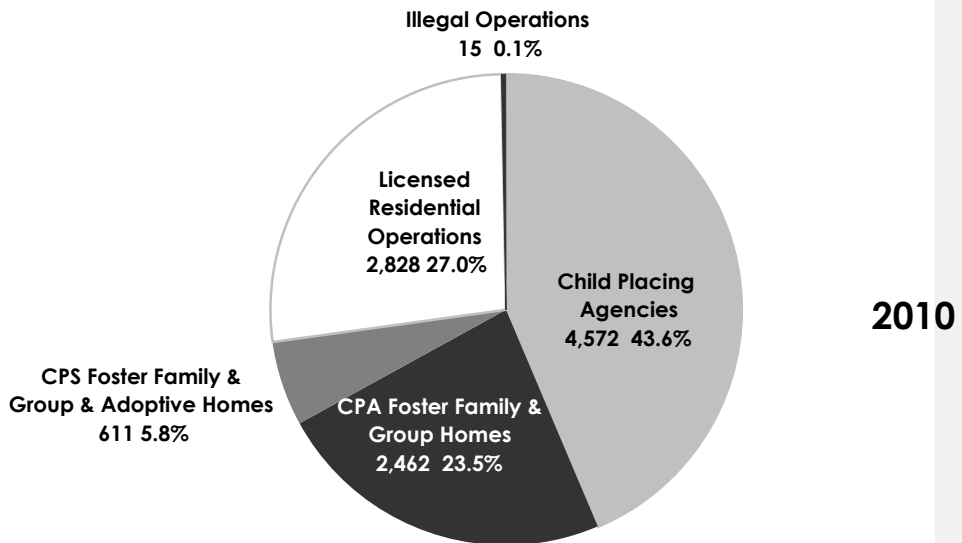
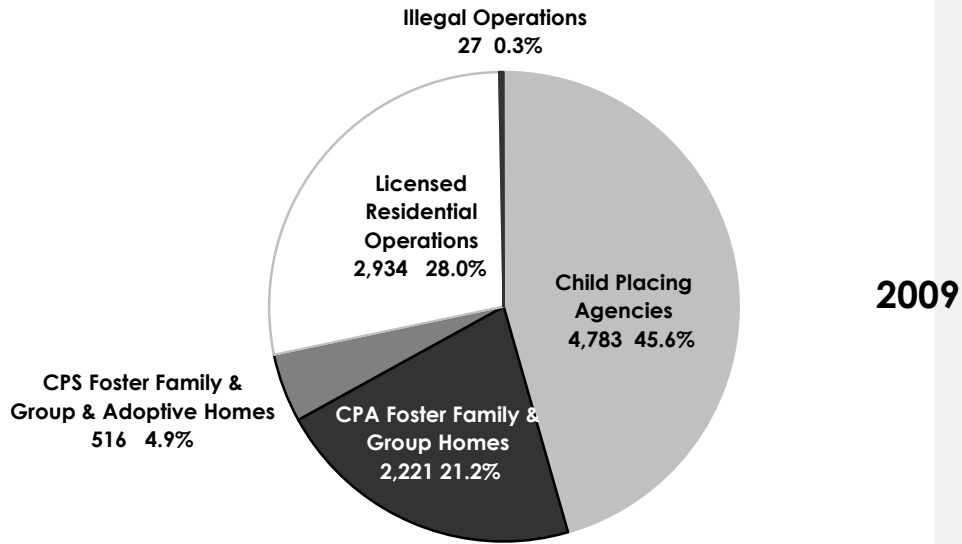
### Licensing of Residential Child Care Operations by Region Fiscal Year 2010



*Note: Does not include homes verified by CPA's.*



### Inspections in Residential Child Care Licensing Operations



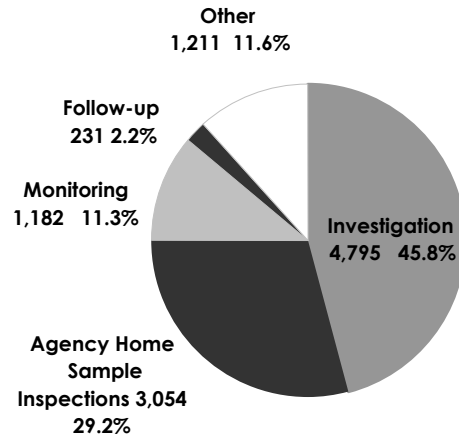
Facility Type	2009	2010
Child Placing Agencies	4,783	4,572
CPA Foster/ Group Agency Homes	2,221	2,462
CPS Foster and Adoptive Homes	516	611
Licensed Residential Operations	2,934	2,828
Illegal Operations	27	15
<b>Total</b>	<b>10,481</b>	<b>10,488</b>

*Note: RCCL inspects agency foster homes for two reasons (1) to conduct an investigation; or (2) to determine whether the CPA managing the foster homes is compliant in its verification, monitoring and management of the foster home and the children in care. Foster home inspections for the latter purpose are periodically selected at random from across the state from the DFPS database for inspection.*

**Inspections in Residential Child Care Licensing Operations by Type of Inspection  
Fiscal Year 2010  
Total Inspections: 10,488**

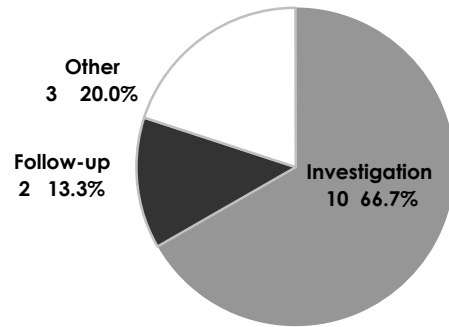
**Residential Child Care Licensing Operations**

Inspection Type	Number
Investigation	4,795
Agency Home Sample Inspections	3,054
Monitoring	1,182
Follow-up	231
Other	1,211
<b>Total</b>	<b>10,473</b>



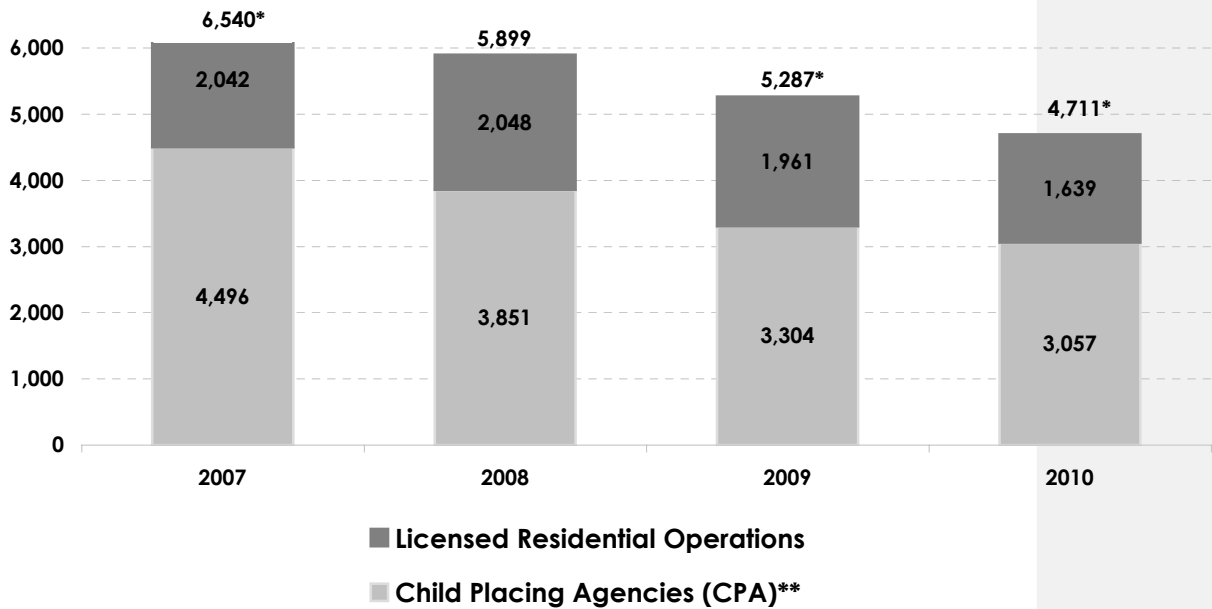
**Illegal Operations**

Inspection Type	Number
Investigation	10
Monitoring	0
Follow-up	2
Other	3
<b>Total</b>	<b>15</b>



*Note: RCCL inspects agency foster homes for two reasons (1) to conduct an investigation; or (2) to determine whether the foster homes is compliant in its verification, monitoring and management of the foster home and the children in care. Foster home inspections for the latter purpose are periodically selected at random from across the state from the DFPS database for inspection.*

### Investigations in Residential Child Care Licensing Operations



\* Totals include investigations of Illegal Operations

\*\* Includes homes regulated by Child Placing Agencies

### Investigations in Residential Child Care Licensing Operations Fiscal Year 2010

Region	Child Placing Agencies	Licensed Residential Operations	Illegal Operations	Total Investigations
1 Lubbock	134	72	0	206
2 Abilene	145	11	0	156
3 Arlington	776	102	2	880
4 Tyler	99	71	0	170
5 Beaumont	86	39	0	125
6 Houston	648	597	3	1,248
7 Austin	346	272	1	619
8 San Antonio	419	368	3	790
9 Midland	42	19	1	62
10 El Paso	90	12	0	102
11 Edinburg	272	76	3	351
Other/Unknown	0	0	2	2
<b>Total</b>	<b>3,057</b>	<b>1,639</b>	<b>15</b>	<b>4,711</b>

## Investigations in Residential Child Care Licensing Operations Fiscal Year 2010

Operation Type	Total Number Operations as of 8/31/10	Investigations	Number of Abuse/Neglect Investigations			Number of Non Abuse/Neglect Investigations	
			Total	Valid	Percent Validated	Total	Investigations with a Deficiency Cited
<b>Residential Child Care Licensing Operations</b>							
Child Placing Agencies (CPA)*	341	3,057	1,213	36	3.0%	1,835	450
General Residential Operations	154	667	203	4	2.0%	462	136
Independent Foster/ Foster Group Homes	7	8	1	0	0.0%	7	4
Residential Treatment Centers	79	964	334	7	2.1%	619	149
Maternity Homes	10	0	0	0	0.0%	0	0
<b>Subtotal</b>	<b>591</b>	<b>4,696</b>	<b>1,751</b>	<b>47</b>	<b>2.7%</b>	<b>2,923</b>	<b>739</b>
Illegal Operations	16	15	0	0	0.0%	15	4
<b>Total</b>	<b>607</b>	<b>4,711</b>	<b>1,751</b>	<b>47</b>	<b>2.7%</b>	<b>2,938</b>	<b>743</b>

\* Includes CPA branch offices

Note: The number of Investigations and the number of Non Abuse/Neglect Investigations are based on the date that the worker completed the investigation. The number of Abuse/Neglect Investigations uses the date that the Investigation stage closed. Therefore, the sum of Abuse/Neglect Investigations and Non Abuse/Neglect Investigations will not match the total Investigations.

## State's Top 10 Standards Deficiencies for Residential Child Care Licensing Operations Fiscal Year 2010

Rank	Standard Rule*	Description	Non- Compliances
1	749.607(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks	132
2	749.1953(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.	109
3	745.625(a)(7)	Background checks submitted-every 24 months after first submitted	86
4	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks	76
5	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being	58
6	745.615(a)(8)	Required background check - Applicants for a child-care administrator's license	57
7	749.2593(a)(3)	Supervision-The caregiver is responsible for ensuring each child's safety and well being, including auditory and/or visual awareness of the child	55
8	748.3301(a)	Physical Site-Buildings must be structurally sound, clean, and in good repair. Paints must be lead-free	51
9	749.1521(1)	Medication Storage-Store medication in a locked container	48
10	749.1541(a)	Medication Record-Maintain cumulative record of prescription medications dispensed to child, include nonprescription meds for child under five yrs old	47

\* Only includes deficiencies where administrative review was upheld or waived.

Note: Does not include assessment deficiencies.

## Adverse and Corrective Actions in Residential Child Care Licensing Operations by Region Fiscal Year 2010

### Adverse Actions in Residential Child Care Licensing Operations by Region Fiscal Year 2010

Region	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions
1 Lubbock	0	0	0	0
2 Abilene	0	0	0	0
3 Arlington	1	0	0	1
4 Tyler	0	0	0	0
5 Beaumont	0	0	0	0
6 Houston	0	0	0	0
7 Austin	0	0	0	0
8 San Antonio	0	0	0	0
9 Midland	0	0	0	0
10 El Paso	0	0	0	0
11 Edinburg	0	0	0	0
Unknown	0	0	0	0
<b>State Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

### Corrective Actions in Residential Child Care Licensing Operations by Region Fiscal Year 2010

Region	Evaluation	Probation	Total Corrective Actions
1 Lubbock	0	0	0
2 Abilene	0	0	0
3 Arlington	1	0	1
4 Tyler	0	0	0
5 Beaumont	0	0	0
6 Houston	6	2	8
7 Austin	0	0	0
8 San Antonio	1	0	1
9 Midland	0	0	0
10 El Paso	0	0	0
11 Edinburg	0	0	0
Unknown	0	0	0
<b>State Total</b>	<b>8</b>	<b>2</b>	<b>10</b>

*Note: Adverse actions are determined by the date the facility was sent the letter of intent. Finalizing adverse action through due process is lengthy. Voluntary Suspensions are not counted in the number of suspensions. Corrective actions begin after the due process is completed.*

### Background Checks for Residential Child Care Licensing Operations Fiscal Year 2010

Residential Child Care Licensing Operations	Central Registry Checks	DPS Checks	FBI Checks *
CPAs, CPA Foster Agency Homes	43,304	43,305	15,427
General Residential Operations	11,277	11,277	694
Independent Foster/ Group Homes	282	282	31
Residential Treatment Centers	8,638	8,638	357
Maternity Homes	148	148	25
<b>Total</b>	<b>63,649</b>	<b>63,650</b>	<b>16,534</b>

\* Represents the number of FBI checks that were requested, not the number that were actually processed.

Note: Does not include background checks conducted on individuals in illegal child-care operations or CPS Foster and CPS Adoptive homes.

### Child Care Administrator Credential Exam Fiscal Year 2010

Licensed Child Care Administrators (LCCA)	58	Passed
	3	Failed
	<u>61</u>	<b>Total Exams</b>
Licensed Child Placing Agency Administrators (LCPA)	45	Passed
	5	Failed
	<u>50</u>	<b>Total Exams</b>

Total number of exams for both licenses for FY10 was 111.

On 8/31/2010 there were:

	Active	Inactive	Total
<b>LCCA</b>	670	152	822
<b>LCPA</b>	338	14	352
<b>Total</b>			<u>1,174</u>