



Texas Department of Family and Protective Services

Senate Bill 1896_87R

Options for Conducting Independent Administrative Review and Independent Appeals Report

Senate Bill 1896 of the 87th Texas legislative session section 29 requires the Department of Family and Protective Services (DFPS) to create options for conducting:

- 1) an independent administrative review of department investigations of licensed residential child-care facilities; and
- 2) an independent appeal of determinations from those investigations.

DFPS considered the following options to conduct an independent administrative review of department investigations of licensed residential child-care facilities.

- Complex Investigation Division (CID) and Administrative Review of Investigation Finding (ARIF) remain as-is within Child Care Investigations (CCI) and due process appeals remain as-is through State Office of Administrative Hearings (SOAH).
- CID Investigation Review Specialist (IRS) staff remain within CCI to take on alternate duties, but the ARIF function is moved to Office of Internal Affairs which replaced Office of Consumer Relations (rule changes to the Texas Administrative Code will be modified) and due process appeals remain as-is through SOAH.
- CID IRS staff and ARIF function are moved to a newly created Office of Appeal. Additionally, an appeal of the ARIF decision would be established through Office of Internal Affairs and due process appeals remain as-is through SOAH.

After careful consideration, DFPS concluded the third option would best allow for a more authentic and independent administrative review by moving the ARIF function outside of CCI. Moreover, it would create a second appeal process within DFPS. Currently the only appeal within DFPS available to the administrative review findings is through SOAH.

In August 2022, DFPS created an independent office called the Office of Appeals. The Office of Appeals will conduct administrative reviews of department investigations of licensed residential child-care facilities. The Office of Appeals is housed within the Accountability and Internal Affairs division, now known as Accountability, Appeals, and Internal Affairs. A director for the Office of Appeals has been hired and the transfer of investigation review staff from the Child Protective Investigations division to the Office of Appeals is complete.

The Office of Appeals is now responsible for providing an independent administrative review of department investigations alleging abuse, neglect and sexual exploitation of children in residential child-care facilities as well as daycare facilities.

DFPS is actively seeking to create a second appeal through its Office of Internal Affairs. This would afford an individual the opportunity to request an independent review of the Office of Appeals administrative review findings should it be necessary. Prior to establishing a second appeal process within DFPS, applicable rule changes to the Texas Administrative Code will be modified. DFPS Office of Internal Affairs and its General Counsel are working diligently to review and recommend changes to applicable rules of the Texas Administrative Code.