**Licensing Policy and Procedures**

**Handbook Revision \_\_**

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

For Licensing revisions only: Immediately following signoff, Licensing staff will prepare a highlighted document showing significant changes that we will post with the revision memo.

Serious Injury Definition and Allegation Type (PATS 10267)

The handbook is revised to update or add the following definitions:

serious injury

impairment

near fatal injury

serious harm

serious mistreatment

substantial harm

Display of Revisions with Changes Highlighted (Word Document)

See:

Definitions of Terms

6222.6 Choosing the Priority of an Intake Report in CLASS

6232.1 Selecting Allegations of Violations in CLASS

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Publication note: Only the terms below are revised or added. Other definitions in this section are unchanged.

# Definitions of Terms

LPPH ~~April 2017~~ DRAFT 10267-CCL

**serious injury:** Any physical injury to a child that requires medical treatment and resulted or may result in impairment to the child’s overall health or well-being. This includes near fatal injuries, but does not include:

• injuries for which a child is evaluated by a professional as a precaution;

• injuries for which first aid is administered at the operation, but no further treatment by a medical professional is warranted; or

• medical events due to routine, ongoing medical issues, such as asthma or seizures.

Also see definition of impairment.

**impairment:** In most instances, an impairment prevents the injured person from performing one or more of their usual and customary daily activities or makes the task of daily activities more difficult.

**near fatal injury:** Near fatal injuries are a subset of serious injuries in which the child would likely have died as a result of the injury or medical condition if the child did not get medical attention. In most circumstances, medical intervention includes admittance to an intensive care unit. Previously known as critical injury.

**serious harm:** See substantial harm.

**serious mistreatment:** A child in care is disciplined, punished, or physically restrained in a manner that is prohibited by minimum standards and sustains a serious injury.

**substantial harm:** Bodily harm or an observable impairment in a child’s psychological growth, development, or functioning that is significant enough to require treatment by a medical or mental health professional.

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

LPPH ~~December 2015~~ DRAFT 10267-CCL

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. Refer to the [Definitions of Terms](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_Definitions_of_Terms.asp) for:

• Impairment

• Serious harm

• Serious incident

• Serious injury

• Substantial harm

| 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 substantial 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 substantial 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 substantial 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  When determining whether an incident is serious, consider the following questions:  • Does the injury meet the definition of a serious injury?  • 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  When determining whether an incident is serious, consider the following questions:  • Does the injury meet the definition of a serious injury?  • 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 harm to children in care. When determining whether a health or safety hazard is serious, 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 risk of harm to children in care. When determining whether a supervision-related violation 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?  • 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 low 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). | 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 |

##### 6232.1 Selecting Allegations of Violations in CLASS

LPPH ~~April 2017~~ DRAFT 10267-CCL

Regardless of the priority or whether an intake report is assigned for investigation, the *Allegation Type* check boxes must accurately reflect the allegations contained in the intake report. This includes all intakes of abuse or neglect and non-abuse or neglect. If additional allegations arise during the investigation, any additional boxes related to those allegations should be checked on the *Investigation Main* page. The chart below outlines the allegations of violations of minimum standards in CLASS:

| Allegation Types in CLASS | Explanation | Type of Investigation |
| --- | --- | --- |
| Standard/Law Violation | Allegation of a violation of a law, administrative rule, or minimum standard. | All investigations |
| Illegal Operation | Allegation that care is being provided to children by an operation that does not have a permit and the operation may be subject to regulation. | Abuse or neglect or non-abuse or neglect |
| Suicide Attempt | Allegation that a child attempted suicide while in care at a residential operation. | Abuse or neglect or non-abuse or neglect (RC only) |
| Child Death | A child dies while in the care of an operation or an operation that is subject to regulation. | Abuse or neglect |
| Serious Harm/Injury | Any physical injury to a child that requires medical treatment and resulted or may result in impairment to the child's overall health or well-being. | Abuse or neglect or non-abuse or neglect |
| Critical injury | Near fatal injuries (previously known as critical injuries), are a subset of serious injuries in which the child would likely have died as a result of the injury or medical condition if the child did not get medical attention. In most circumstances, medical intervention includes admittance to an intensive care unit. | Abuse or neglect or non-abuse or neglect |
| Child Arrest | A child in care of a residential operation is arrested. | Abuse or neglect or non-abuse or neglect (RC only) |
| Illness Requiring Hospitalization | A child in care of an operation has an illness requiring hospitalization. | Abuse or neglect or non-abuse or neglect |
| Child Run Away | A child in care of a residential operation runs away from the residential operation. | Abuse or neglect or non-abuse or neglect (RC only) |
| Caregiver Drug Abuse | Allegation that a caregiver in a residential operation is using drugs. | Abuse or neglect or non-abuse or neglect (RC only) |
| Domestic Violence | Report from law enforcement that law enforcement responded to a domestic violence call at a foster home. | Abuse or neglect or non-abuse or neglect (RC only) |
| Endangering Person | Allegation that a sex offender's address listed in the sex offender database matches a child care operation. | Abuse or neglect or non-abuse or neglect |
| Child Sexual Aggression | Allegation of sexual behavior in which a child takes advantage of a younger or less powerful child through seduction, coercion, or force. Must document the number of children involved. | Abuse or neglect |
| Child on Child Physical Abuse | Allegation of child-to-child behavior that results in a child sustaining observable substantial harm requiring medical treatment. Must document the number of children involved. | Abuse or neglect |