

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
MINIMUM STANDARDS REVISION NOTICE



Date: January 1, 2017 **Effective Date:** January 1, 2017
To: All Holders of Minimum Standards for General Residential Operations
From: Jean Shaw, DFPS Assistant Commissioner for Child-Care Licensing

- You may print copies from our website at www.dfps.state.tx.us
- If you have questions, please contact your licensing representative or send an email to rcclstan@dfps.state.tx.us.

Subject:

Normalcy:

- Supervision Responsibilities;
- Participating in Childhood Activities;
- Training;
- Child/Caregiver Ratios
- Developing an Initial Service Plan.

The following rule changes were effective January 1, 2017:

NORMALCY

Supervision Responsibilities

§748.685. What responsibilities does a caregiver have when supervising a child or children?

The changes to this minimum standard clarify that:

- A caregiver must be aware of a child's special supervision needs; and
- When a child is participating in an unsupervised childhood activity, the caregiver must provide, arrange, or confirm an appropriate method of transportation to and from the activity.

Participating in Childhood Activities

§748.701. What is "normalcy"?

§748.703. Are children in care required to participate in childhood activities?

§748.705. What is the "reasonable and prudent parent standard"?

§748.707. Who makes the decision regarding a foster child's participation in childhood activities?

§748.709. Are there any restrictions on who can be a designated person that makes decisions regarding a child's participation in childhood activities?

"Normalcy" is the ability of a child to live as normal a life as possible, including participating in childhood activities suitable for children of the same age, level of maturity, and developmental

level as determined by a reasonable and prudent parent standard (§748.701). Childhood activities, includes unsupervised childhood activities. Service planning meetings must include discussion on how to achieve normalcy for a child, including any restrictions on participating in these activities (§748.703).

The "reasonable and prudent parent standard" is the standard of care that a parent of reasonable judgment, skill, and caution would use to maintain the health, safety, and best interest of the child and encourage the emotional and social growth and development of the child. There are also ten factors to take into consideration when deciding whether a child may participate in childhood activities (§748.705). General Residential Operations (GROs) must designate persons to make decisions regarding a child's participation in childhood activities by following the reasonable and prudent parent standard, though a parent may forbid an activity in advance (§748.707). The designated person must work at the location where the child resides, be knowledgeable about the child's current needs and history, and complete either a two hour pre-service training regarding normalcy or the annual training specific to normalcy (§748.709).

Note: Definitions for "childhood activities" and "unsupervised activities" were also added to §748.43 in the comprehensive review of Chapter 748, which is also effective January 1, 2017

Training

§748.863. What are the pre-service hourly training requirements for caregivers and employees?

§748.868. Must I provide pre-service training regarding normalcy to a child-care administrator, professional level service provider, treatment director, or case manager who was previously employed by a residential child-care operation?

§748.881. What curriculum components must be included in the general pre-service training?

§748.882. What curriculum components must be included in the pre-service training regarding normalcy?

§748.931. What are the annual training requirements for caregivers and employees?

§748.944. What curriculum components must be included in the annual normalcy training?

Pre-service training and annual training for caregivers and employees regarding normalcy is required as follows:

- Caregivers are only required to have the general pre-service training (§748.863(a)(1)), which includes a curriculum component of normalcy (§748.881). Note: These caregivers cannot be a designated person unless the person completes either a two hour pre-service training regarding normalcy or the annual training specific to normalcy, see §748.709.
- Child care administrators, professional level service providers, treatment directors, and case managers must have two hours of pre-service training regarding normalcy (§748.863(a)(2)), unless a person can document that the person received this training within the last twelve months (§748.868). The curriculum components for the pre-service training regarding normalcy are included in §748.882.
- Caregivers must have two hours of annual training specific to normalcy (§748.931(a)(1) - (3)).
- Child care administrators, professional level service providers, treatment directors, and case managers who hold a relevant professional license are not required to have two

hours of annual training on normalcy, unless the person is a designated person that makes decisions regarding a child's participation in childhood activities (§748.931(a)(4)).

- Child care administrators, professional level service providers, treatment directors, and case managers who do not hold a relevant professional license are required to have two hours of annual training on normalcy (§748.931(a)(5)).
- The curriculum components for the annual training on normalcy are the same as those for pre-service training regarding normalcy. However, subsequent training regarding normalcy should further develop and refine an employee's knowledge and understanding of normalcy and how it should be implemented. (§748.944)

Child/Caregiver Ratios

§748.1003. For purposes of the child/caregiver ratio, how many children can a single caregiver care for during the children's waking hours?

§748.4701. For purposes of the child/caregiver ratio, how many children can a single caregiver care for during the children's waking hours?

The change to both of these minimum standards is for clarity. A child does not count in the child/caregiver ratio while away from the operation and participating in an approved unsupervised childhood activity.

Developing an Initial Service Plan

§748.1339. Who must be involved in developing an initial service plan?

The changes to this minimum standard clarify that:

- The service planning team must consist of a person designated to make decisions regarding a child's participation in childhood activities; and
- The child, if verbal and developmentally appropriate, and the parents must be invited to the service planning meeting and should participate and provide input into the development of the service plan, including discussion regarding the child's participation in childhood activities.

Please note that each of the amended minimum standard rules have the date *January 2017* below each rule title.

A new complete publication of [Chapter 748](#), Minimum Standards for General Residential Operations, current through January 1, 2017 is available for review on the DFPS website.

Also attached to the Revision Notice is a final version of the Chapter 748 minimum standard/rule changes related to Normalcy in bolded/strike through (**new/delete**) format.