

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 Child-Placing Agencies
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: Comprehensive Review of Chapter 749

The Texas Human Resources Code (HRC) §42.042(b) requires Child-Care Licensing (CCL) to conduct a comprehensive review of all rules and minimum standards every six years. The proposed changes are a result of the comprehensive review of all minimum standards located in Chapter 749, Minimum Standards for Child-Placing Agencies (CPAs).

During this review of standards, CCL's goal was to obtain as much input as possible and to review the concerns and recommendations of child advocacy groups, CPAs, foster parents, children, and biological parents to formulate standards that balance children's health and safety with affordability and availability of care.

Below is an overview of the minimum standard changes by subchapter. The most significant changes are discussed in some detail. The more minimal changes (e.g. changing a cite to a rule, deleting a masculine pronoun, or clarifying the language of the rule for better readability and understanding) are noted in minimal detail.

The following rule changes for all of the rules were effective January 1, 2017.

Subchapter B, Definitions and Services

The changes to the definitions rule (§749.43):

- Add definitions for childhood activities, corporation or other type of business entity, corrective or adverse action (which came from deleted §749.671), governing body, owner, partnership, permit holder, supplements, and swimming activities (deleted the definition of water activities and replaced it with swimming activities);
- Delete definitions that are not necessary or are not used in this chapter, including activity space, child passenger safety seat system, family applicants, food service, livestock, living quarters, and long-term placement;
- Delete the definition for normalcy and incorporate it into a new Subchapter and Division;
- Update definitions for accredited college and university, caregiver, foster home screening, foster parent, health-care professional, high-risk behavior, immediate danger to self or others, re-evaluate, sanitize (the definition for disinfecting solution was deleted and combined with the definition for sanitize), substantial physical injury, and unsupervised childhood activities; and

- Delete the definitions regarding emergency behavior intervention (chemical restraint, emergency medication, emergency situation, mechanical restraint, personal restraint, prone restraint, seclusion, short personal restraint, and supine restraint) from §749.2001 and move them to this rule because the definitions are used throughout the chapter. The definitions have also been updated and the language clarified for better readability and understanding.

The changes to §749.61 clarify the types of services that CCL regulates, including changing the name of Pervasive Development Disorder to Autism Spectrum Disorder.

Subchapter C, Organization and Administration

New Division 1, Plans and Policies Required for the Application Process, was a reorganization of previous Divisions (most notably deleted Division 1, Permit Holder Responsibilities, and Division 8, Policies and Procedures) and other rules throughout the chapter to clarify more simply the plans, policies, and procedures that are required for the application process. Almost all of these requirements were taken from existing rules.

- New §749.101 establishes the plans that must be submitted to CCL for approval as part of the application process;
- New §§749.103 - 137 establishes the policies and procedures that must be submitted to CCL for approval as part of the application process;
- New §749.139 explains how plans, policies, and procedures must be adopted; and
- New §749.141 explains that CCL may cite a CPA if the CPA does not operate according their plans, policies, and procedures that are required by CCL.

New Division 2, Operational Responsibilities and Notifications, was also a reorganization primarily of previous Division 2, Governing Body, and a conglomeration of rules related to notification requirements.

- New §749.151 clarifies that a CPA (whether a sole owner, partnership, or corporation with a governing body) must comply with the list of operational responsibilities; and
- New §749.153 clarifies the required notifications to CCL by placing them all into one rule.

The two rules previously in Division 3, General Fiscal Requirements, were combined into one rule (new §749.161), which also clarifies that for a CPA to maintain a sound fiscal basis the CPA must pay the employees timely, pay foster parents per the CPA's agreement with the foster parents, and make sure the children's needs are being met. In addition, the CPA must maintain complete financial records that comply with Generally Accepted Accounting Principles, including accounting for a child's money separately from the funds of your agency and the foster home; not use a child's personal earnings to pay for room and board unless the child's service plan and parent approves of it in writing; give the child's money to the child or the child's parent within 30 days of the child's discharge; and make available for CCL's review either an independent annual review or proof of reserve funds equal to three months of operating expenses.

The changes to Division 3, Branch Offices, include:

- New §749.304 clarifies that a CPA must have either a main office or a branch office in each region of the department where you verify homes, or within 150 miles of each verified foster home;

- The changes to §§749.305 and 749.307 update the language of the rules for better readability and understanding, including when an administrator and treatment director must be separate and when the positions can be shared

The changes to Division 8 (formerly Division 9), Clients and Appeals, update the language of the rules for better readability and understanding (§§749.421, 749.423, and 749.425). In addition, the changes clarify that young adults in care are also clients (§749.421(c)(7)); and when notifying clients of other entities where complaints may be filed, the client should also be notified of the entities phone numbers and addresses (§749.423(4));

Subchapter D, Reports and Record Keeping

Serious Incidents:

- The definition of a serious incident (§749.501) was clarified as the different types of serious incidents noted in §749.503.
- The changes to §749.503 clarifies several issues, including: (1) requiring a child death to be reported to law enforcement within one hour after the child's death, and reported to CCL and the parents within two hours after the child's death; (2) making the term "substantial physical injury" consistent throughout the chapter; (3) requiring child-on-child physical abuse and sexual abuse to be reported when a CPA becomes aware of it; (4) clarifying that a serious incident includes when law enforcement responds to an alleged incident at the foster home; (5) requiring a CPA to report the absence of a 13 year old or older who cannot be located to CCL, the parents, and law enforcement no later than six hours from the when the absence is discovered. However, the child's absence must be reported immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home; (6) adding a subsection from repealed §749.507(1) stating medical incidents that don't rise to the level of a serious incident don't have to be reported to CCL, but they must be documented in the same manner as a serious incident; (7) adding a requirement to report to the Hotline if there is reason to believe an adult resident has been abused, neglected, or exploited; and (8) reporting to CCL when law enforcement responds to an alleged incident at the foster home.
- The changes to §§749.509, 749.513, and 749.515 clarify language for consistency and delete outdated or duplicative language. More specific changes, include a clarification that foster parents must report a serious incident directly the Hotline (§749.509), which was previously included at deleted §749.503(b); and a clarification that the serious incident reports must be easily accessible to CCL upon request (§749.515).

Records:

- Division 2, Agency Records, was reorganized and the language was updated to clarify that a CPA's policies and procedures must address retention and availability requirements for the CPA's policies and procedures (new §749.529), protecting records (new §749.531), and additional requirements for electronic records (new §749.533). New §749.534 clarifies that electronic signatures, including approvals by e-mail and electronic approvals, are allowed. In addition, the changes to §749.535 clarify that foster parents must submit copies of records they keep to the CPA within 15 days from the end of the month; and the change to §749.539 clarifies more specifically that copies of the foster home disaster and emergency plans must be also be kept at the main office, the relevant branch office, or in a centrally administratively designated location.
- The changes to the minimum standards in Division 3, Personnel Records, and Division

4, Client Records (§§749.551, 749.553, 749.571, 749.573, 749.577, 749.581, and 749.585) clarify where records can be kept (depending on the record, at the main office, the branch office, at the office where each person is working, the relevant branch office, or in a centrally administratively designated location), delete outdated and unnecessary cites and language, update current cites, and clarify the language of the rules for better readability and understanding. Some more specific changes to these rules include: (1) the master list of active and archived personnel and client records must include a notation of the location of those records (§§749.551(e), 749.573(c), and 749.581(d)); (2) an employee's training record must include the date of the training, the number of training hours, and the curriculum covered (§749.553(11)); and (3) a child's record no longer has to include the date of each data entry and the name of the employee who makes the data entry (§749.577).

Subchapter E, Personnel

Child-Placing Agency Administrator, Child Placement Staff and Child Placement Management Staff, and Treatment Director:

- The changes to §749.635 clarify that a child-placing agency administrator is responsible for administering and managing the plans that evaluate the effectiveness for the system for meeting the rules, and ensuring the investigation of reports of minimum standard violations, upon CCL's request; and clarify the language of the rule for better readability and understanding;
- The changes to §749.663 clarify that child placement staff have the responsibility for conducting and documenting foster home supervisory visits;
- The changes to §749.667 clarify the language of the rule for better readability and understanding, including clarifying that child placement management staff may directly perform the responsibilities of the child placement staff (which came from deleted §749.663(c));
- The changes to §§749.673 and 749.675 should be reviewed closely, because the changes clarify the qualification chart for persons who perform child placement activities and child placement management activities, respectively, by: (1) combining options; (2) deleting the educational qualification for nine credit hours on family and individual function and interaction (or if not deleting the credit hours, modifying that the hours may come from undergraduate or graduate level courses); (3) reducing professional qualification (years of experience) in some instances; (4) expanding the type of experience required to include: (A) experience in a residential child-care operation, or as a conservatorship caseworker or foster adoptive home development worker for the department, and the experience must be in conducting assessments, service planning, or case management duties; or (B) one or two years, depending upon the Option, of experience working under the direct supervision of child placement management staff; and
- The changes to §§749.633, 749.669, 749.679, and 749.725 clarify the language of the rules for better readability and understanding and updates the treatment service terminology. In addition, a change to §749.669 clarifies the process for re-evaluating restrictions imposed on a child to make the process consistent throughout the chapter; and §749.679 adds a reference to clarify that while there is no specific caseload compliance requirements, §74.305 does have caseload limits for offices that share the same administrator and treatment director.

There are deletions, additions, and amendments, including moving portions of rules around, to Division 7, Contract Staff and Volunteers, to clarify:

- A volunteer or contractor who is part of another organization, including a licensed operation, is subject to a CPA's policies and procedures unless that organization/operation provides screening, training, and supervision that is adequate to protect the health and safety of children (§749.767). A portion of this rule change came from §749.761(c), which is being deleted. Other changes have been made to the other subsections of §749.761, including deleting a masculine pronoun, updating a cite, and clarification of the rule for better readability and understanding; and
- A person may not perform criminal court ordered community service at a CPA (new §749.769);

Subchapter F, Training and Professional Development

A self-study training definition was added to §749.801. Self-study training is non-standardized training where an individual reads written materials, watches a training video, or listens to a recording to obtain certain knowledge that is required for annual training. Self-study training is limited to three hours and is a type of self-instructional training. The language of other definitions in this rule was also clarified for better readability and understanding.

Different Types of Pre-Service Training:

- The change to §749.861 clarifies that for a caregiver that doesn't have current experience caring for a child with treatment needs, the CPA's prescribed regimen (which is already required) must specifically include eight hours of observations of interactions with children receiving similar treatment services;
- The changes to §749.867 clarify terminology and delete masculine pronouns;
- The change to §749.869(b) clarifies that a qualified instructor for pre-service training must hold a generally recognized credential or possess documented knowledge and/or experience relevant to the training the instructor will provide;
- The change to §749.881 adds water safety as a required curriculum topic for general pre-service training; and
- The change to §749.901 adds a curriculum component to the pre-service training for emergency behavior intervention, which would require addressing circumstances when all de-escalation strategies fail.

Annual Training:

- Several changes were made to §749.935, including clarifying that required pre-service training hours may not count for annual training hours; only ten hours of additional pre-service training hours (additional hours of pre-service training taken that are not required) may be carried over and used for annual training hours during the upcoming year; and one-half (previously one-third) of the annual training hours may come from self-instructional training, but no more than three of those self-instructional hours may come from self-study training;
- The change to §749.937 clarifies that these requirements for instructor-led training and self-instructional training do not apply to self-study training;
- The changes to §749.941 added water safety and administration of medication as appropriate topics for annual training; and

- The changes to §§749.933, 749.935, 749.939, and §749.945 clarify the language of the rules for better readability and understanding, and delete masculine pronouns.

Subchapter G, Children's Rights

The children's rights rule (new §749.1003) was rewritten to make the rule easier to understand and to locate certain rights by dividing the rights into seven categories (safety and care, family contacts, living a normal life, discipline, plans for a child while in care, medical care and records, and complaints), and to improve the readability and understanding of the rule overall.

Other changes to this subchapter include:

- Clarifying that a copy of a timely signed "CPS Rights of Children and Youth in Foster Care" will meet the standard of informing the child and/or parents of their rights (§749.1005);
- Clarifying that an appropriate education in some situations may include home schooling (§749.1007);
- Reducing the time frame from 90 days to 60 days for requiring justification when restrictions are imposed on sibling contact. If restrictions continue for more than 60 days, the restrictions must be re-evaluated by child placement management staff, who must explain the reasons for the continued restrictions and document the reasons (§749.1011); and
- Other clarification changes were made to the language of the rule for better readability and understanding (§749.1021).

Subchapter H, Foster Care Services: Admission and Placement

Admission, Required Admission Information, Emergency Admission, and Educational Services:

- The child's record at admission no longer has to include the child's birthplace or court orders establishing the managing conservator of the child (§749.1107).
- For a transitional living program, there are some instances where a child 16 years old may sign their own placement agreement (e.g. the child resides separate and apart from the child's parent and manages the child's own financial affairs, the child is unmarried and pregnant, or the child is unmarried and a parent) (§749.1109).
- Orientation for a child must include information on how to make complaints and how to contact parties related to a child's legal case (§749.1111).
- Several changes were made to the information that you must share with the parent at the time of placement (§749.1113), including the requirement to share policies on fees, emergency behavior intervention, discipline, adoption, and any other policies a parent requests (if the policy is required by CCL); clarifying that if the child is signing the placement agreement for a transitional living program, then you must share the same information with the child as you are required to share with the parent; and clarifying the language of the rule for better readability and understanding.
- The change to §749.1115 clarifies that caregivers must be informed of any special supervision needs of the child at the time of admission.
- The change to §749.1131 clarifies that a non-emergency admission assessment must be completed prior to admission

- The changes to §749.1183 clarify that the definition for an emergency placement includes when a CPA must place a child within 72 hours, and clarify the language of the rule for better readability and understanding.
- The changes to §§749.1133, 749.1135, 749.1151, 749.1153, and 749.1187 clarify the language of the rules for better readability and understanding, delete masculine pronouns, correct cites, change acronyms, and update terminology. In addition, there must be an evaluation from a health-care professional that the foster parents have been trained to meet the needs of the child and demonstrated competency (§749.1133(3)(B)).

The changes to §749.1291 clarify that for all contacts with children in care at least half of the contacts must occur in the foster home; and alters the requirement for face-to-face contacts from every 15 days for children with primary medical needs to "twice every month with no more than 20 days between visits".

Subchapter I, Foster Care Services: Service Planning, Discharge

Service Plans, Reviews and Updates, and Discharge and Transfer Planning:

- The change to §749.1307 clarifies that the initial service plan must be completed within 45 days (previously 40 days).
- New §749.1312 clarifies that a service planning team may meet in one meeting, two or more meetings, or in separate meetings to develop a child's service plan, provided that each service planning team member is informed of the discussions and comments regarding the child's service plan that were made in each meeting.
- The change to §749.1313 clarifies that the CPA does not have to provide the two weeks advance notice of the initial service plan, as long as the notice is provided by someone and it is documented in the child's record.
- The changes to §749.1321 clarify that a copy or summary of the child's initial service plan must be given to a child 14 years old, unless there is justification for not providing the plan; the child must review and sign the plan, and you must document if the child refuses to sign the plan or disagrees with the plan; and clarify the language of the rule for better readability and understanding.
- The change to §749.1323 clarifies that the service plan must be implemented within 15 days (previously 10 days) after the date of the scheduled service planning meeting involving the parents, foster parents, and the child.
- New §749.1336 clarifies that a single service plan may continue throughout the time a child is in residential care, as long as a preliminary service plan is created each time a child is admitted by a CPA and the CPA continues to comply with the service plan review and update requirements.
- The changes to §§749.1301, 749.1309, 749.1317, 749.1331, 749.1335, 749.1339, 749.1363, 749.1369, and 749.1371 clarify the language of the rules for better readability and understanding, delete redundant phrases, clarify references, delete masculine pronouns, and update terminology, including treatment services terminology. In addition, §749.1335 deletes permanency goals (e.g. whether to continue the placement, transfer the child to a less restrictive setting, or refer the child to an inpatient hospital) for children receiving treatment services, because these goals should be considered for all children and are broader than this list.

Subchapter J, Foster Care Services: Medical and Dental

Medical and Dental Care, Including Communicable Diseases and Immunizations

- The changes to §749.1421 clarify that a CPA's current immunization records must include any immunization exemptions or exceptions.
- The changes to §749.1423 clarify that immunization exemptions are for a medical reason or a reason of conscience, including a religious belief; and an immunization exception is for a child who previously had a certain disease and is naturally immune from it.
- §749.1425 is completely rewritten to clarify the documentation requirements for an immunization record, including the child's name and date of birth; the type of vaccine and number of doses; the month, day, and year the vaccination was received; the signature of the health-care professional who administered the vaccine or can verify the vaccine was administered (if the immunization record is from a doctor's office, as opposed to a record from a state or local health authority); and clinic contact information (if the immunization record was generated from a doctor's office's electronic health record system).
- The changes to §§749.1401, 749.1409, 749.1415, and 749.1433 clarify the language of the rules for better readability and understanding. In addition, §749.1401 adds a requirement that the date, time, and circumstances surrounding an injury or illness must be documented in a child's medical record if a medical examination is a result of an injury or illness; and §§749.1401, and 749.1409 delete the "date of examination" and "procedures completed" from a child's dental and medical record requirements, because the requirements will be in the results of the required dental and medical examinations.

Medication Administration, Storage and Destruction, Records, and Side Effects and Adverse Reactions

- The changes to §749.1463 clarify that these requirements only apply to the administration of prescription medication.
- The changes to §749.1469 clarify that the requirements for administering non-prescription medication and supplements (not just vitamins) include informing the child's prescribing health-care professional of the administration and dosage of any non-prescription medication or supplement.
- The changes to §749.1503 clarify that for a child that is on a self-medication program, the CPA must ensure there is a system for reviewing and recording the child's daily dosage of the medication.
- The changes to §749.1521 remove the requirement to store medications "for external use only" separately from other medications; and clarify that the medication must be destroyed within 30 days (this timeline was moved here from deleted §749.1523).
- The changes to §749.1541 clarify that the medication record does not have to be updated immediately but within 24 hours; require the documentation of any non-prescription medication or supplement that is given to a child and how often it will be given to the child; and require documentation in the medical record of any prohibited supplements.
- The changes to §749.1581 clarify the meaning of an adverse reaction to a medication, and adds a requirement to immediately report the reaction to the child's parent.
- The changes to §749.1583 clarify the meaning of a side effect to a medication, and

adds a requirement to immediately report any serious side effects to the child's prescribing health-care professional (previously only physician) and the child's parent.

Subchapter K, Foster Care Services: Daily Care, Problem Management

Additional Requirements for Infant and Toddler Care:

- The changes to §749.1803 clarify that infant care items necessary for diaper changing must be kept out of the reach of children, but do not need to be in locked storage;
- The changes to §749.1813 clarify that cribs must be bare for an infant younger than twelve months, except for a tight fitting sheet and/or a crib mattress cover that is designed for the crib mattress that is being used, is tight fitting and thin, and is not designed to make the sleep surface softer; and infants receiving treatment services for primary medical needs may have special items that assist with safe sleep at the written recommendation of a health-care professional, which must be kept in the child's record;
- The changes to §749.1819 clarify that an infant must be fed according to orders for any health-care professional (not just a physician), delete a masculine pronoun, and replaces the term "child" with "infant"; and
- The changes to and §§749.1815 and 749.1863 clarify the language of the rules for better readability and understanding.

Educational Services:

- The changes to §749.1891 clarify that additional educational facilities or programs are allowed if approved by a child's service planning team; and the justification and the approval must be kept in the child's record;
- The changes to §749.1893 clarify that a CPA must provide notice to the parent of any scheduled ARD, IEP, or ITP meetings; clarify the acronyms; and update the language of the rule for better readability and understanding; and
- The changes to §749.1895 update treatment services terminology and delete a masculine pronoun.

The changes to §§749.1921, 749.1923, and 749.1925, regarding Recreational Services, update treatment services terminology in each rule.

Discipline and Punishment:

- The changes to §749.1959 decreases the time frame from 30 days to 14 days that a CPA may restrict a child's activities without a review by the child placement management staff or treatment director. This will be consistent with the requirement for general residential operations, which increased the time frame from seven days to 14 days. There were also changes to clarify the language of §749.1959 for better readability and understanding; and
- The change to §749.1961 corrects a cite in the rule.

Subchapter L, Foster Care Services: Emergency Behavior Intervention

Most of the terms in this definition rule (§749.2001) were moved to §749.43 (e.g. chemical restraint, emergency situation, personal restraint, seclusion, etc.), because these terms are used throughout the chapter and not just in this subchapter.

The changes to §749.2201 clarify that a personal restraint must be monitored to make sure the restraint is performed appropriately; and clarify the language of the rule for better readability

and understanding.

The change to §749.2231 clarify that in an emergency behavior intervention (EBI) a child must have bathroom privileges "as needed".

The changes to §749.2305 add documentation requirements for an EBI, to include the names of any witnesses to the EBI, including child witnesses in the home; and the name of the persons who provided medical assistance to the child, if applicable.

The changes to §§749.2151 and 749.2203 delete masculine pronouns.

Subchapter M, Foster Homes: Screenings and Verifications

The change to §749.2445 clarifies that only a prospective foster family's domestic violence history needs to be reported to CCL, not all criminal history.

The changes to §749.2447 clarify in paragraph (7) that all criminal history results must be assessed in relation to the whole home screening; clarify in paragraph (19) that persons supporting foster parents during an unexpected event or crisis situation must have a fingerprint-based criminal history check before acting as a caregiver, but the check on the supporting person does not have to be completed before the foster home is verified unless the person will immediately be a caregiver; and renumber several paragraphs for ease in referencing these rules.

The change to §749.2453 clarifies that a foster home screening must be updated when there is a change that affects a foster home's verification.

The change to §749.2487 clarifies that the agreement between the foster parents and the CPA must be signed.

The change to §749.2488 adds the requirement to give verified foster parents copies of the CPA's policies concerning "the rights and responsibilities of the CPA and the foster parents", which was previously included in the deleted §749.347(b).

The changes to §749.2497 clarify and add items that must be included in a transfer/closing summary, including any plan to achieve compliance or other development plan that was in place during the previous 12 months; any adverse action plan; and a statement of whether the CPA would recommend the foster home for verification in the future, including limitations or restrictions on the verification and the basis of the recommendation.

The changes to §749.2623 clarify that a CPA must inform a child of the plan for respite care before placing the child in respite care; and clarify the language of the rule for better readability and understanding.

The changes to §§749.2403, 749.2451, 749.2471, 749.2475, 749.2599, 749.2635, and 749.2655 delete an outdated grandfather clause, clarify the language of the rules for better readability and understanding, delete unnecessary references, add and update cites, and clarify terminology.

Subchapter N, Foster Homes: Management and Evaluation

The changes to §749.2803 clarify a lot of the language of the rule for better readability and understanding.

The change to §749.2805 clarifies that a significant change in a work schedule is a major life change in the foster family.

The changes to §749.2815 clarify that child placement staff must conduct supervisory visits; any significant change in finances is an issue related to the stress levels of foster parents that

must be reviewed during supervisory visits; and the names of all household members present at the supervisory visit must be documented.

Subchapter O, Foster Homes: Health and Safety Requirements, Space and Equipment

Health and Safety:

- New §749.2902 relates to health inspections and mirrors §749.2903 regarding a fire inspection/evaluation by allowing child placement staff to conduct a health and safety evaluation by using a CCL checklist;
- The changes to §749.2903 clarify that when a foster home changes a type of verification, then the foster home must meet the relevant fire safety measures required for the new type of verification; and clarify the language of the rule for better readability and understanding;
- The changes to §§749.2904, 749.2905, 749.2909, and 749.2911 make the language in this chapter consistent regarding a "local health authority or state or local authority";
- The changes to §749.2913 clarify that fire extinguishers must have a maintenance check once a year by a person qualified to inspect fire extinguishers; and
- The changes to §749.2917 delete the requirement that ferrets must be vaccinated, which is not required by the Health and Safety Code; and clarify the language of the rule for better readability and understanding.

Tobacco and E-Cigarettes, Weapons/Firearms, Space and Equipment, Nutrition and Food Preparation, Transportation, and Swimming Pools/Activities

- The changes to §749.2931 clarify that e-cigarettes or any type of vaporizers, like tobacco products, are not allowed for children, for caregivers or other adults (except outside), or in motor vehicles when transporting children;
- The changes to §749.2961 clarify that an adult that supervises a child that uses a weapon, firearm, explosive material, projectile, or toy that explodes or shoots must be knowledgeable about the use of the weapon, firearm, etc. that is being used by the child;
- The changes to §749.3031 clarify that a child's mattress must be off of the floor;
- The changes to §749.3039 clarify the trampoline requirements, including the number of children allowed on the trampoline at one time, is determined by the manufacturer's instructions; the previous restriction on somersaults has been repealed; ladders may be used as long as the ladder is removed when the trampoline is in use; and the supervision requirements depend upon whether the child is under 12 or 12 and older (the previous age distinction was 15);
- The changes to §§749.3133 and 749.3135 require more stringent supervision for "children younger than 12 years of age, children of any age who are not competent swimmers, and any children receiving treatment services", and delete an outdated grandfather clause.
- The changes to §749.3137 clarify the language of the rule, including the child/adult ratio chart for swimming activities, for better readability and understating; lower the swimming ratios for foster group homes from 8:1 to 6:1 to be consistent with the swimming ratios for foster family homes; clarify that when all of the children in the group are four years of age or older, at least two adults must supervise four or more children who are actually in the water, in addition to meeting the swimming ratios; and clarify that while a lifeguard

may be counted in the child/adult ratio, one caregiver must always be present and the lifeguard may not be the only person counted in the child/adult ratio;

- New §749.3151 clarifies that the rules in the Swimming Pools, Bodies of Water, Safety Division do not apply to swimming activities away from the foster parents and the foster home, and foster parents should use the reasonable and prudent parent standard to approve a child's participation in an unsupervised childhood activity involving water.
- The changes to §§749.3027, 749.3061, 749.3075, 749.3103, and 749.3139 correct a typographical error, delete masculine pronouns, delete a redundant subsection, clarify the language of the rules for better readability and understanding, and clarify and update terminology.

Subchapter V, Additional Requirements for Child-Placing Agencies That Provide Trafficking Victim Services

The change to §749.4153 updates a cite in the rule.

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 749](#), Minimum Standards for Child-Placing Agencies, 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 749 minimum standard/rule changes related to the Comprehensive Review in bolded/strike through (**new/delete**) format.