

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:

Normalcy:

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

The following rule changes were effective January 1, 2017:

NORMALCY

Training

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

§749.868. Must I provide pre-service training regarding normalcy to a child-placing agency administrator, treatment director, child placement staff, child placement management staff, or full-time professional service provider who was previously employed by a residential child-care operation?

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

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

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

§749.944. What curriculum components must be included in the annual training related to prevention, recognition, and reporting of child abuse and neglect?

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

- Foster parents, child-placing agency administrators, treatment directors, child placement staff, child placement management staff, and full-time professional service providers (except those employees that are exclusively assigned to provide adoption services) must have two hours of pre-service training regarding normalcy (§749.863(a)(2) and (3)), unless a person can document that the person received this training within the last

twelve months (§749.868). The curriculum components for the pre-service training regarding normalcy are included in §749.882. Note: In §749.863(a)(5) the treatment services language was also updated to intellectual disabilities and autism spectrum disorder.

- Caregivers, child placement staff, and child placement management staff must have two hours of annual training specific to normalcy (§749.931(a)(1) - (4)).
- Child-placing agency administrators, executive directors, treatment directors, and full-time professional service providers who hold a relevant professional license are not required to have two hours of annual training on normalcy (§749.931(a)(5)).
- Executive directors, treatment directors, and full-time professional service providers who do not hold a relevant professional license are required to have two hours of annual training on normalcy (§749.931(a)(6)).
- 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 a foster parent or employee's knowledge and understanding of normalcy and how it should be implemented. (§749.943)

Note: §749.944 was added, because the curriculum information related to training was deleted from the §749.943 training chart. No substantive changes were made to the curriculum.

Developing an Initial Service Plan

§749.1311. Who must be involved in developing an initial service plan?

The changes to this minimum standard clarify that the child, if verbal and developmentally appropriate, the parents, and the foster 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.

Child/Caregiver Ratios

§749.2563. How do I determine child/caregiver ratio for a foster group home?

The change to this minimum standard is for clarity. A child does not count in the child/caregiver ratio while away from the home and participating in an approved unsupervised childhood activity.

Supervision Responsibilities

§749.2593. What responsibilities does a caregiver have when supervising a child or children?

Portions of this minimum standard were deleted as well as §749.2594 to update the minimum standards related to normalcy. The Normalcy rules are now in Subchapter M, Division 7. For those changes, see "Participating in Childhood Activities" below. Additional changes to this minimum standard clarify that:

- A caregivers counted in the child/caregiver ratio 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

§749.2601. What is "normalcy"?

§749.2603. Are children in care required to participate in childhood activities?

§749.2605. What is the "reasonable and prudent parent standard"?

§749.2607. Who makes the decision regarding a foster 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; and having normal interaction and experiences within a foster family and participating in foster family activities (§749.2601). 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 (§749.2603).

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 that a foster parent must take into consideration when deciding whether a child may participate in childhood activities (§749.265). Foster parents make the 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 (§749.2607).

Note: Definitions for "childhood activities" and "unsupervised activities" were also added to §749.43 in the comprehensive review of Chapter 749, which is also effective January 1, 2017

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 Normalcy in bolded/strike through (**new/delete**) format.