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Minimum Standards for Listed Family Homes

(Session 2)

Presented by
Child Care Regulation



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Learning Objectives

In this session you will:

- ❖ Receive a brief summary of information provided in Session 1
- ❖ Learn about the rules in Subchapter D Notification Requirements
- ❖ Learn about the rules in Subchapter E Basic Care

Brief overview of previous session



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In the previous session we:

- ❖ Explained what Minimum Standards are and why we have them for listed family homes
- ❖ Reviewed specific rules in the following subchapters:
 - Subchapter A Definitions
 - Subchapter B Caregivers
 - Subchapter C Caregiver Responsibilities and Qualifications

Child Care Regulation and You



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Our first session in this series talked about our primary goal - protecting the health and safety of children.

We also explained how we accomplish this goal by:

- ❖ Informing parents and the public about how specific child care operations are complying with minimum standards
- ❖ Giving technical assistance to child care providers
- ❖ Investigating complaints alleging violations of minimum standards



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Minimum Standards for Listed Family Homes

Chapter 742

- ❖ **Subchapter A: Purpose, Scope, and Definitions**
- ❖ **Subchapter B: Caregivers**
- ❖ **Subchapter C: Caregiver Qualifications and Responsibilities**
- ❖ **Subchapter D: Notifications and Liability Insurance**
- ❖ **Subchapter E: Basic Care Requirements**
- ❖ **Subchapter F: Discipline and Guidance**
- ❖ **Subchapter G: Nutrition and Food**
- ❖ **Subchapter H: Health and Safety Practices**

Subchapter D, Notification Requirements

- ❖ When to notify parents, Child Care Regulation, or DFPS of specific events
- ❖ Notifiable illness procedure
- ❖ Notification of injury or safety concern
- ❖ Liability insurance requirements
- ❖ Notification to parents of the absence of liability insurance.



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Subchapter D, Notification Requirements: Parents

When to Notify the Parent:

- ❖ After you ensure the safety of the child, you must notify the parent immediately if the child:
 - a. Is injured and the injury requires medical treatment by a health-care professional or hospitalization;
 - b. Shows signs or symptoms of an illness that requires hospitalization; or
 - c. Was forgotten in a vehicle or wandered away from your home or care unsupervised.



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Subchapter D, Notification Requirements: Parents (Cont.)

- ❖ You must notify the parent of each child attending the home in writing within 48 hours after you become aware that a household member, caregiver, or child in care contracts an illness deemed notifiable by the Texas Department of State Health Services
- ❖ You must notify the parent of a child of less serious injuries when the parent picks the child up from the home.
 - Less serious injuries include, minor cuts, scratches, and bites from other children requiring first aid treatment by caregivers.



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Subchapter D, Notification Requirements: CCR

When to Notify CCR:

- ❖ You must notify CCR immediately if you become aware that a household member, caregiver, or child in care contracts an illness deemed notifiable by the Texas Department of State Health Services.
- ❖ You must notify CCR in writing within 15 days of:
 1. Relocating your listed family home
 2. Closing the home.



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Subchapter D, Notification Requirements (Cont.)

When to Notify DFPS:

You must notify the Department of Family and Protective Services immediately at:

1-800-252-5400



If:

1. You suspect abuse, neglect, or exploitation of a child in your care;
2. A child dies while in your care; or
3. A child was forgotten in a vehicle or wandered away from your home or care unsupervised.



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Subchapter D, Notification Requirements (Cont.)

- ❖ Additional information regarding abuse, neglect, or exploitation along with other resources can be found on the DFPS website.

The Department of Family and Protective Services Website:
https://www.dfps.state.tx.us/Contact_Us/report_abuse.asp



A screenshot of the Texas Department of Family and Protective Services (DFPS) website. The page is titled "Report Abuse, Neglect, or Exploitation". The header includes the DFPS logo, the text "Texas Department of Family and Protective Services", a search bar, and a "Report Abuse" button. The main content area is divided into three columns. The left column is titled "Contact DFPS" and lists various contact options under "CONTACT US" and "MORE INFORMATION". The middle column is titled "Report Abuse" and provides information on how to report abuse, including by phone (1-800-252-5400) and online (Texas Abuse Hotline). It also includes a note that email reports of suspected abuse or neglect are not accepted. The right column is titled "Emergencies" and provides information on how to report emergencies, including calling the local law enforcement agency or 911. Below this, there is a section titled "Got Questions About Reporting?" with links to "Read our Frequently Asked Questions" and "Reporting Abuse, Neglect or Exploitation".

Subchapter D, Notification Requirements - Liability Insurance

Liability Insurance Requirements

- ❖ Unless you have an acceptable reason not to have the insurance, you must have liability insurance coverage:
 - A. Of at least \$300,000 for each occurrence of negligence; and
 - B. That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your home;
- ❖ Provide proof of coverage each year by the anniversary date of the issuance of your permit



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Subchapter D, Notification Requirements - Liability Insurance (Part 2)

What are acceptable reasons to not have liability insurance?

You do not have to have liability insurance that meets the requirements, if you are unable to carry the insurance because:

- ❖ Of financial reasons;
- ❖ You are unable to locate an underwriter who is willing to issue a policy to the home; or
- ❖ You have already exhausted the limits of a policy that met the requirements.



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Subchapter D, Notification Requirements - Liability Insurance (Part 3)

When must I notify parents that I do not carry liability insurance?

- A. If you do not carry liability insurance then **you must notify a child's parent** in writing that you do not carry liability insurance before you admit a child into your care.
- B. If you received your permit before April 25, 2021, and cannot obtain liability insurance then you must notify the parents that you do not carry insurance by May 25, 2021.



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Subchapter D, Notification Requirements - Liability Insurance (Part 3)

When must I notify parents that I do not carry liability insurance?

C. If you previously had liability insurance and stopped carrying insurance, then you must notify parents, in writing, within 30 days after you stop carrying it.

You may use Form 2962, Attachment A, Parental Notification of Lack of Required Liability Insurance.

Regardless of whether you use this form, you must be able to demonstrate that you provided written notice.

The form is available on our CCR website at:

https://hhs.texas.gov/sites/default/files/documents/laws-regulations/forms/2962/Form_2962_Attachment_A.pdf



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Form 2962: Attachment A



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Form 2962, Attachment A
December 2020-E

Parental Notification of Lack of Liability Insurance

Directions: An operation may use this form to notify each child's parent that the operation does not provide liability insurance. The operation must keep on file any notification to the parent.

Operation's Responsibility to Notify Parents of the Lack of Insurance

Unless the operation has an acceptable reason not to provide the insurance, the Human Resources Code §§42.049 or 42.0495 requires a licensed, registered or listed child care operation to have liability insurance:

- in the amount of \$300,000 for each occurrence of negligence; and
- that covers injury to a child that occurs while the child is in care, regardless of whether the injury occurs on or off the premises of the operation.

An operation does not have to carry the insurance or may discontinue coverage if the operation is unable to obtain coverage because of financial reasons, cannot find an underwriter willing to issue a policy or has exhausted the limits of the policy. However, the operation must notify in writing the parent of each child in care if the operation does not provide the liability insurance.

Parent/Guardian Acknowledgement of the Operation's Lack of Insurance

As the parent/guardian of the child(ren) listed below, I acknowledge that the operation caring for my child(ren) does not have liability insurance coverage.

Signature of Parent/Guardian

Date Signed/Notified

Printed Name of Parent/Guardian

Name(s) of Parent/Guardian's Child(ren) in the Operation's Care

Name of Operation



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Subchapter E, Basic Care Requirements

We will now cover the Basic Care requirements.

- ❖ Basic Care Requirements for infants, toddlers, pre-k, and school age children
- ❖ Prohibited Equipment for Infants
- ❖ Safe Sleep



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Subchapter E, Basic Care Requirements - Infants

Basic care for an infant must include:

- ❖ Giving individual attention to the infant including, playing, talking, cuddling, and holding;
- ❖ Holding and comforting the infant when the infant is upset;
- ❖ Giving prompt attention to the physical needs of the infant, such as feeding and diapering; and
- ❖ Talking to the infant while you are feeding, changing, and holding the infant, such as naming objects, singing, or saying rhymes.



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Subchapter E, Basic Care Requirements - Infants (cont.)

Basic care for an infant must also include storing objects an infant may choke on out of the infant's reach.

- Look for items marked with warning labels or stickers

Example:



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Common Choking Hazards

- Pictured: Nails, pins, tacks, paper clips, rubber bands, hair ties, Bobbie pins, pills, small candy, safety clips, broken glass, construction materials



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Subchapter E, Basic Care Requirements - Infants (Crib Safety)

- ❖ You must provide or have the parent provide an individual crib or play yard (also known as a play pen) for each non-walking infant younger than 12 months of age to sleep in; and
- ❖ You must provide or have the parent provide an individual cot, bed, or mat that is waterproof or washable for each walking infant to sleep or rest on.



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Appropriate Crib Examples

- Pictured: Safety Crib



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More Appropriate Crib Examples

Pictured: Pack and Play/Play Yard or Play Pen



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Nap Mat and Cot Examples

Pictured: Nap Mat and Cot



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Where Babies Should Sleep Video (:30)



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ABCs of Safe Sleep for Babies from *GetParentingtips.com*

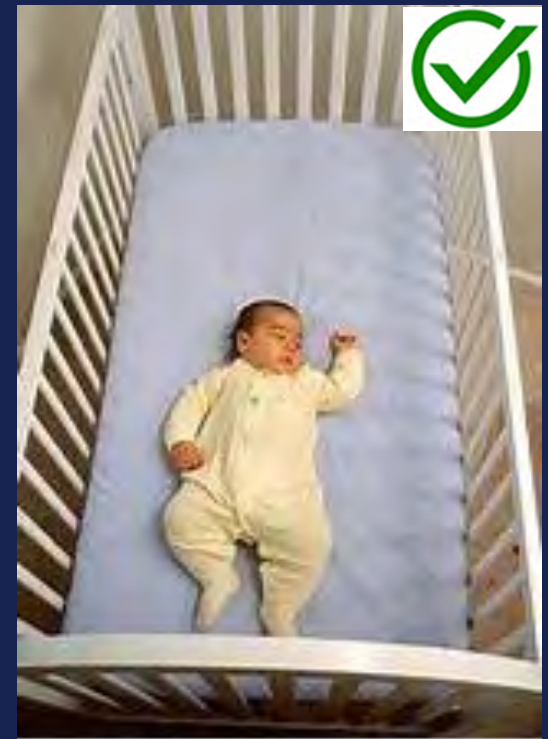
<http://getparentingtips.com/babies/safety/ABCs-of-safe-sleep-for-babies/default.asp>

What safety requirements must my cribs meet?

Each crib or play yard (whether provided by the home or the child's parent) must have a firm, flat mattress.

Mattress must meet manufacturer guidelines

Mattress must snugly fit the sides of the crib or play yard



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What safety requirements must my cribs meet?

Each crib or play yard must be bare for an infant younger than 12 months of age, except for a tight-fitting sheet and a mattress cover

The mattress cover must:

1. Be designed specifically for the size and type of crib and crib mattress that the cover is being used with;
2. Be tight fitting and thin; and
3. Not be designed to make the sleep surface softer



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Prohibited Items in Cribs

You may not add additional foam material or pads.



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Prohibited Items and Equipment for Infants – Sleeping Equipment

- ❖ You may not use a bean bag, waterbed, or a foam pad as sleeping equipment for an infant.



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Prohibited Items and Equipment for Infants – Restrictive Devices

An infant may not sleep in a restrictive device, unless you have a signed statement from a health-care professional stating that it is medically necessary for the infant to sleep in a restrictive device.



If an infant falls asleep in a restrictive device, you must remove the infant from the device and place the infant in a crib as soon as possible.



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Examples – Restrictive Devices Unacceptable for Sleep



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Pictured: Car Seat, High Chair, Jumper, and Bouncy Seat

What additional requirements apply when an infant is sleeping or resting?

- ❖ You must place an infant who is not yet able to turn over without assistance in a face-up sleeping position, unless you have a signed statement from a health-care professional stating that it is medically necessary for the infant to sleep in a different sleeping position.



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Prohibited Actions

- ❖ You may not lay a swaddled infant down to sleep or rest on any surface at any time.

Pictured: Infant swaddled in crib



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Prohibited Actions

- ❖ An infant's head, face, or crib must not be covered by items such as blankets, linens, or clothing at any time.

Pictured: Infant with blanket on head, Infant with blanket covering face, Infant with Blanket over body



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Subchapter E, Basic Care Requirements - Toddler

Basic care must include:

- ❖ Giving individual attention to the toddler, including playing, talking, cuddling, and holding;
- ❖ Holding and comforting a toddler when they are upset.
- ❖ Maintaining routines, such as feeding, diapering, sleeping, and indoor and outdoor play during the same time each day, as closely as possible;
- ❖ **Keep choking hazards out of the toddler's reach;**
- ❖ Providing, or having the parent provide, an individual cot, bed, or mat that is waterproof or washable to sleep or rest on.



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Reminder: Common Household Choking Hazards

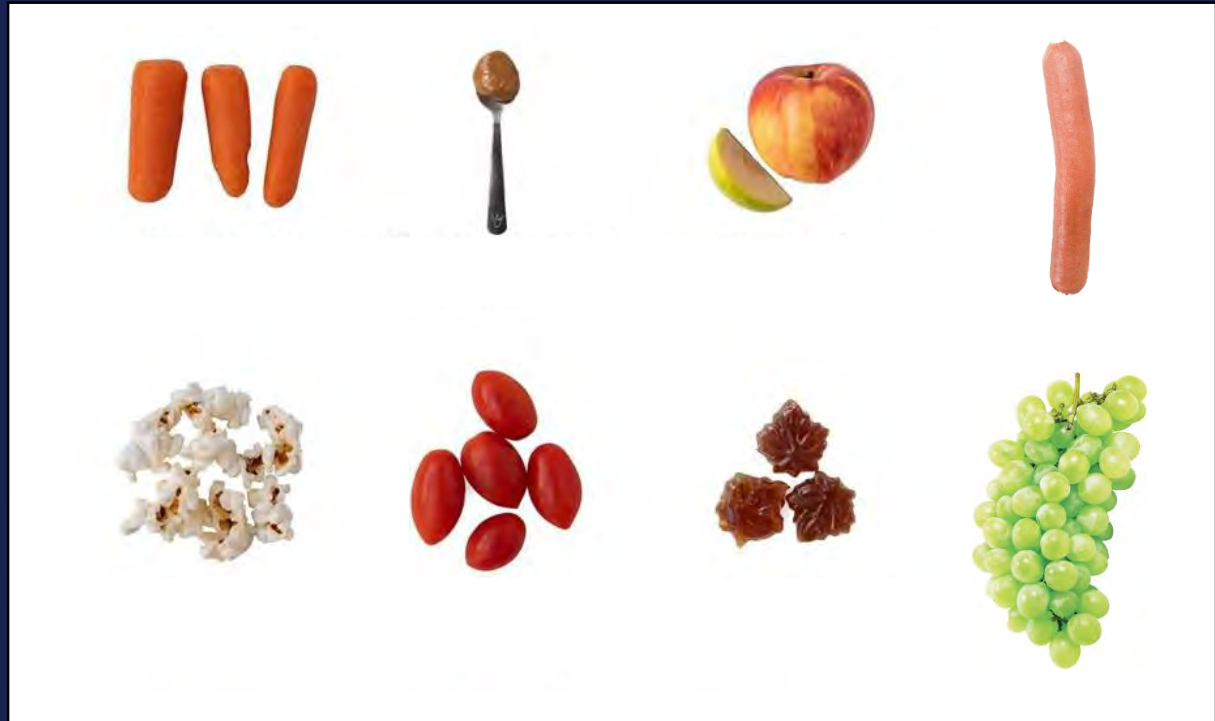
- Pictured: Nails, pins, tacks, paper clips, rubber bands, hair ties, Bobbie pins, pills, small candy, safety clips, broken glass, construction materials



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Food Choking Hazards

- Pictured: Uncut Baby Carrots, Chunky Peanut Butter, Raw Apples, Hot Dog, Popcorn, Cherry Tomatoes, Hard Candy, Grapes



Visit CDC Choking Hazards (Infant and Toddler):
<https://www.cdc.gov/nutrition/infantandtoddlernutrition/foods-and-drinks/choking-hazards.html>



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Subchapter E, Basic Care Requirements – Pre K

Basic care for a pre-kindergarten age child must include:

- ❖ Giving individual attention to the child;
- ❖ Encouraging the child to communicate and express feelings in appropriate ways; and
- ❖ Providing, or having the parent provide, an individual cot, bed, or mat that is waterproof or washable for each child to sleep or rest on.



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Subchapter E, Basic Care Requirements – School Age

Basic care for a school-age child must include:

- ❖ Giving individual attention to the child;
- ❖ Encouraging the child to converse with adults; and
- ❖ Providing physical care routines that are appropriate to the child's developmental needs.



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Wrap Up...



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New Minimum Standards went into effect March 10, 2021, which is when Listed Family Homes are required to follow the new standards.

- ❖ Child Care Regulation will investigate Listed Family Homes when it receives allegations (reports) of minimum standard violations.
- ❖ If you have any questions, call your local Child Care Regulation office or email msc@hhs.texas.gov

Summary



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We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety and well-being of children in Texas.

There are two additional sessions in the series. We encourage you to participate in all three. If you have signed up for the next sessions, please use the link emailed to you.



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Thank you
