

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number                            | Brief Description  | Comply | Deficiency | N/A |
|--|--|--------|------------|-----|
| <b>Organization and Administration</b> |  |        |            |     |
| 749.101(1)                             | Permit holder responsibilities—Ensure agency legally established to operate within Texas and complies with all applicable statutes               |        |            |     |
| 749.101(3)                             | Permit holder responsibilities—Establish governing body responsible for, and has authority over, the agency’s policies and activities            |        |            |     |
| 749.101(4)                             | Permit holder responsibilities—Establish policies that clearly state the responsibilities of the governing body                                  |        |            |     |
| 749.101(6)                             | Permit holder responsibilities—Develop and provide Licensing with plan for ensuring Licensing is informed of major changes with agency           |        |            |     |
| 749.101(6)(A)(i)                       | Permit holder responsibilities—Inform Licensing of changes in the location of all agency records, offices and agency homes                       |        |            |     |
| 749.101(6)(A)(ii)                      | Permit holder responsibilities—Inform Licensing of changes in agency home verification   |        |            |     |
| 749.101(6)(A)(iii)                     | Permit holder responsibilities—Inform Licensing of changes to your written professional staffing plan  |        |            |     |
| 749.101(6)(B)                          | Permit holder responsibilities—Agency homes meet all applicable rules of chapter 749 prior to verification                                       |        |            |     |
| 749.101(6)(C)                          | Permit holder responsibilities—Investigate reports of rules violations and submit reports of agency actions and findings, upon Licensing request |        |            |     |
| 749.101(6)(D)                          | Permit holder responsibilities—Child placement management staff conduct, review and sign off on all investigations completed by the agency       |        |            |     |
| 749.101(6)(E)                          | Permit holder responsibilities—Child placement management staff submit investigation report to Licensing within 30 days of a request             |        |            |     |
| 749.101(6)(F)                          | Permit holder responsibilities—Evaluate system for meeting rules and describe process for addressing problems                                    |        |            |     |
| 749.103(1)                             | Permit holder responsibilities—Designate a qualified full-time CPA administrator   |        |            |     |
| 749.103(11)                            | Permit holder responsibilities—Maintain liability insurance as required by HRC 42.049  |        |            |     |
| 749.103(16)                            | Permit holder responsibilities—No governing body member, executive committee, management staff, or employee is a sustained controlling person    |        |            |     |
| 749.105(1)                             | Personnel policies—Develop a written organizational chart showing administrative/professional/staffing structures and lines of authority         |        |            |     |
| 749.105(2)                             | Personnel policies—Develop written job descriptions including minimum qualifications and job responsibilities for each position                  |        |            |     |
| 749.105(3)                             | Personnel policies—Develop written policies on the training requirements for employees and caregivers  |        |            |     |
| 749.105(4)                             | Personnel policies—Ensure that personnel policies comply with background check requirements  |        |            |     |
| 749.105(5)                             | Personnel policies—Ensure employees report serious incidents, suspected abuse/neglect and exploitation   |        |            |     |
| 749.105(6)                             | Personnel policies—Ensure that persons working with children are informed in writing of confidentiality requirements                             |        |            |     |
| 749.105(7)                             | Personnel policies—Drug testing policy meets or exceeds DFPS’ model policy in 745.4151   |        |            |     |
| 749.107(1)                             | Conflict of interest policies—Code of conduct on the relationships between employees/contractors and clients                                     |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number   | Brief Description  | Comply | Deficiency | N/A |
|---------------|--|--------|------------|-----|
| 749.107(2)    | Conflict of interest policies—Statement regarding conflict of interest for certain persons be a foster parent or adoptive parent of the agency       |        |            |     |
| 749.107(3)    | Conflict of interest policies—Code of conduct regarding independent financial relationships between persons under the auspices of agency and clients |        |            |     |
| 749.131(1)    | Governing body responsibilities—Ensuring the agency remains fiscally sound   |        |            |     |
| 749.131(2)    | Governing body responsibilities—Overseeing and ensuring the management of the agency's services and programs in compliance with your policies        |        |            |     |
| 749.131(3)    | Governing body responsibilities—Approving and having authority over the agency's operational policies and activities                                 |        |            |     |
| 749.131(4)    | Governing body responsibilities—Complying with rules and law   |        |            |     |
| 749.131(5)    | Governing body responsibilities—Ensuring that certain persons do not comprise a majority of the voting members of the governing body                 |        |            |     |
| 749.131(6)    | Governing body responsibilities—Carrying out governing body responsibilities assigned in the agency's policies and procedures                        |        |            |     |
| 749.161(c)    | General fiscal requirements—Licensing must approve adoption services fee policy that clearly describes what fees are charged and services fees cover |        |            |     |
| 749.163(1)    | Specific fiscal requirements—Submit with the application for a new permit a written 12 month budget showing income and expenses                      |        |            |     |
| 749.163(2)    | Specific fiscal requirements—Submit with application proof of reserve funds/available credit equal to operating costs for first 3 months operation   |        |            |     |
| 749.163(3)    | Specific fiscal requirements—Have predictable funds sufficient for the first year of operation   |        |            |     |
| 749.197(a)    | Fiscal Requirements Adoption—Adoption fee and fee schedule that applies to all clients and includes which and how birth parent expenses will be paid |        |            |     |
| 749.197(b)    | Fiscal Requirements Adoption—Policy must clearly explain what additional fees cover  |        |            |     |
| 749.197(c)    | Fiscal Requirements Adoption—Must have a clear policy on refunds   |        |            |     |
| 749.241(b)    | Birth mother financial assistance—Post and inform birth mother of fee policy in writing in language she speaks and reads when form relationship      |        |            |     |
| 749.273(1)    | Pass through expenses—Fee policy includes a complete description of expenses agency passes through to adoptive families                              |        |            |     |
| 749.273(2)    | Pass through expenses—Fee policy complies with the financial assistance requirements in chapter 749 regarding financial assistance to birth mothers  |        |            |     |
| 749.333(a)(1) | Admission policies—Include program statement that describes program's goals, services provided, and population of children served by the program     |        |            |     |
| 749.333(a)(2) | Admission policies—Describe the specific characteristics of children the program serves, such as the age range, gender, and needs of children        |        |            |     |
| 749.333(a)(3) | Admission policies—Indicate whether agency will admit children on an emergency basis   |        |            |     |
| 749.333(b)    | Admission policies—Programs providing treatment services, have policies describing range of children's needs/disorders program is                    |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number   | Brief Description  | Comply | Deficiency | N/A |
|---------------|--|--------|------------|-----|
|               | designed to treat  |        |            |     |
| 749.335(1)    | Placement policy—Describes how agency will ensure a child will not be placed before determining foster care and/or adoption is appropriate           |        |            |     |
| 749.335(2)    | Placement policy—Describes how agency will match a child with a foster and/or adoptive home to ensure that the child's needs are met                 |        |            |     |
| 749.335(3)    | Placement policy—Describes how agency will make every effort to place siblings together and document when necessary to separate sibling groups       |        |            |     |
| 749.335(4)    | Placement policy—Describes how agency will ensure contact between siblings continues if siblings not placed together or document why not appropriate |        |            |     |
| 749.339(1)    | Child-care policies—Describe visitation rights between the child and family members and the child and friends  |        |            |     |
| 749.339(2)    | Child-care policies—Describe child's rights to correspond by mail with family/friends and policies regarding mail restrictions and electronic mail   |        |            |     |
| 749.339(3)    | Child-care policies—Describe the child's rights to correspond by telephone with family members and friends   |        |            |     |
| 749.339(4)    | Child-care policies—Describe the child's rights to receive and give gifts, including any restrictions on gifts                                       |        |            |     |
| 749.339(5)    | Child-care policies—Describe what personal possessions a child is or is not allowed to have  |        |            |     |
| 749.339(6)    | Child-care policies—Describe emergency behavior intervention techniques permitted by agency or if none is permitted a policy disallowing its use     |        |            |     |
| 749.339(7)    | Child-care policies—Describe discipline policies including techniques/methods that ensure appropriate discipline techniques are used with a child    |        |            |     |
| 749.339(7)(A) | Discipline policies and procedures—Guide employees and caregivers in methods used for discipline of a child in care                                  |        |            |     |
| 749.339(7)(B) | Discipline policies and procedures—Include measures for positive responses to appropriate behavior   |        |            |     |
| 749.339(7)(C) | Discipline policies and procedures—Clearly indicate that discipline of any type is inappropriate and not permitted for infants                       |        |            |     |
| 749.339(7)(D) | Discipline policies and procedures—Emphasize the importance of nurturing behavior, stimulation, and promptly meeting the child's needs               |        |            |     |
| 749.339(8)    | Child-care policies—Describe religious program or activity offered, including whether children are required to participate in religious activities   |        |            |     |
| 749.339(9)    | Child-care policies—Describe plans for meeting the educational needs of each child   |        |            |     |
| 749.339(10)   | Child-care policies—Describe when trips with caregivers away from the home are allowed and what protocols will be used                               |        |            |     |
| 749.339(11)   | Child-care policies—Describe the program expectations and rules that apply to all children   |        |            |     |
| 749.339(12)   | Child-care policies—Describe child grievance procedures  |        |            |     |
| 749.339(13)   | Child-care policies—Describe the types and frequency of reports to parents   |        |            |     |
| 749.339(14)   | Child-care policies—Describe procedures for routine and emergency diagnosis and treatment of medical and dental problems                             |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number         | Brief Description  | Comply | Deficiency | N/A |
|---------------------|--|--------|------------|-----|
| 749.339(15)         | Child-care policies—Describe routine health care relating to pregnancy and childbirth, if agency admits and/or care for a pregnant child             |        |            |     |
| 749.339(16)         | Child-care policies—Describe plan for providing health-care services to a child with primary medical needs   |        |            |     |
| 749.339(17)         | Child-care policies—Describe transitional living policies, if applicable   |        |            |     |
| 749.339(18)         | Child-care policies—Describe policy relating to use of weapons, firearms, explosive materials, and projectiles in a foster home, if applicable       |        |            |     |
| 749.341(1)          | Behavior intervention policies—Include a complete description of emergency behavior interventions that caregivers are permitted to use               |        |            |     |
| 749.341(2)          | Behavior intervention policies—Include the specific techniques that caregivers can use   |        |            |     |
| 749.341(3)          | Behavior intervention policies—Include qualifications for caregivers who use it, evaluation to determine qualifications met, and on-going evaluation |        |            |     |
| 749.341(4)          | Behavior intervention policies—Include requirements for and restrictions on the use of permitted emergency behavior interventions                    |        |            |     |
| 749.341(5)(A)       | Behavior intervention policies—Include how agency will, during admission, document and explain policies to a child in a way that they can understand |        |            |     |
| 749.341(5)(A)(i)    | Behavior intervention policies—Explain to the child who can use an emergency behavior intervention   |        |            |     |
| 749.341(5)(A)(ii)   | Behavior intervention policies—Explain to child actions a caregiver must first attempt to avoid the use of emergency behavior intervention           |        |            |     |
| 749.341(5)(A)(iii)  | Behavior intervention policies—Explain to child the situations in which emergency behavior intervention may be used                                  |        |            |     |
| 749.341(5)(A)(iv)   | Behavior intervention policies—Explain to the child the types of emergency behavior intervention the agency authorizes                               |        |            |     |
| 749.341(5)(A)(v)    | Behavior intervention policies—Explain to the child when the use of an emergency behavior intervention must cease                                    |        |            |     |
| 749.341(5)(A)(vi)   | Behavior intervention policies—Explain to the child what action the child must exhibit to be released from the emergency behavior intervention       |        |            |     |
| 749.341(5)(A)(vii)  | Behavior intervention policies—Explain to the child the way to report an inappropriate emergency behavior intervention                               |        |            |     |
| 749.341(5)(A)(viii) | Behavior intervention policies—Explain to the child the way to provide voluntary comments on any emergency behavior intervention                     |        |            |     |
| 749.341(5)(A)(ix)   | Behavior intervention policies—Explain to the child the process for submitting written comments on any emergency behavior intervention               |        |            |     |
| 749.341(5)(B)       | Behavior intervention policies—Include how child’s input is obtained at admission on preferred de-escalation techniques and when it can be revisited |        |            |     |
| 749.341(6)          | Behavior intervention policies—Require caregivers attempt less restrictive/intrusive and use de-escalating interventions as preventive measures      |        |            |     |
| 749.341(7)          | Behavior intervention policies—Include a description of training curriculum, amount/type by level of caregiver, content, and delivery of training    |        |            |     |
| 749.341(8)(A)       | Behavior intervention policies—Prohibit discharge/retaliation of any   |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number   | Brief Description   | Comply | Deficiency | N/A |
|---------------|---|--------|------------|-----|
|               | person for filing a complaint about misuse of behavior intervention   |        |            |     |
| 749.341(8)(B) | Behavior intervention policies—Prohibit discharge/retaliation of client/resident if complaint filed re: misuse of behavior intervention             |        |            |     |
| 749.343       | Foster/adoptive care discipline policies—Develop policy to guide caregivers re: discipline of children in foster care/adoptive placement            |        |            |     |
| 749.343(1)    | Foster/adoptive care discipline policies—Include measures for positive responses to appropriate behavior  |        |            |     |
| 749.343(2)    | Foster/adoptive care discipline policies—Include a statement that discipline of any type is not appropriate or permitted for infants                |        |            |     |
| 749.343(3)    | Foster/adoptive care discipline policies—Include the importance of nurturing behavior, stimulation, and promptly meeting the child's needs          |        |            |     |
| 749.345(1)    | Foster care policies—Include criteria and procedures for screening applicants or caregivers who can meet the needs of the children served           |        |            |     |
| 749.345(2)    | Foster care policies—Include criteria for making decisions about the number, ages, gender, and needs of children to be placed in a foster home      |        |            |     |
| 749.345(3)    | Foster care policies—Include respective rights and responsibilities of the agency and foster parents  |        |            |     |
| 749.345(4)    | Foster care policies—Include pre-service and annual training requirements for foster parents or agency home caregivers                              |        |            |     |
| 749.345(5)    | Foster care policies—Include policies on how you will provide services if the home provides more than one type of care                              |        |            |     |
| 749.347       | Rights and responsibilities policies—Develop a statement on the rights, responsibilities and relationship between the agency and the foster parents |        |            |     |
| 749.347(1)    | Rights and responsibilities policies—Specify what decisions agency will make, foster parents will make, and which ones both must agree upon         |        |            |     |
| 749.347(2)(A) | Rights and responsibilities policies—Specify training requirements and what part of training the agency will provide                                |        |            |     |
| 749.347(2)(B) | Rights and responsibilities policies—Specify training requirements foster parents and caregivers must acquire on their own                          |        |            |     |
| 749.347(2)(C) | Rights and responsibilities policies—Specify who will be responsible for fees, travel expenses, and associated child-care costs related to training |        |            |     |
| 749.347 (3)   | Rights and responsibilities policies—Specify the channels through which the agency and the foster parents will communicate with each other          |        |            |     |
| 749.347(4)    | Rights and responsibilities policies—Specify the amount of reimbursement foster parents will receive from the agency and when they will receive it  |        |            |     |
| 749.347(5)    | Rights and responsibilities policies—Specify kind and amount of information and pre-placement contact agency will provide to foster parents         |        |            |     |
| 749.347(6)    | Rights and responsibilities policies—Specify how much discretion the foster parents have in accepting or declining specific placements              |        |            |     |
| 749.347(7)    | Rights and responsibilities policies—Specify the kind and amount of support provided to all foster families and any services available              |        |            |     |
| 749.347(8)    | Rights and responsibilities policies—Specify kind/ amount information about a child agency will give foster parents including previous              |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number | Brief Description  | Comply | Deficiency | N/A |
|-------------|--|--------|------------|-----|
|             | placement  |        |            |     |
| 749.347(9)  | Rights and responsibilities policies—Specify the kind of information foster parents are expected to report to the agency and within what time frames |        |            |     |
| 749.347(10) | Rights and responsibilities policies—Specify the foster parents' role in the services to children and in service planning and implementation         |        |            |     |
| 749.347(11) | Rights and responsibilities policies—Specify foster parents' right to appeal agency actions that affect them and the procedures for appeal           |        |            |     |
| 749.349(1)  | Policies for foster parents providing treatment services—Include ongoing assessments of the caregiver's abilities to meet the needs of children      |        |            |     |
| 749.349(2)  | Policies for foster parents providing treatment services—Include safeguards for protecting the children and caregivers                               |        |            |     |
| 749.349(3)  | Policies for foster parents providing treatment services—Include emergency back-up and support systems for the caregivers                            |        |            |     |
| 749.349(4)  | Policies for foster parents providing treatment services—Include review/approval process of policies for foster parents providing treatment services |        |            |     |
| 749.351(1)  | Policies for foster parents who offer a transitional living program—Address criteria used to select participants for the program                     |        |            |     |
| 749.351(2)  | Policies for foster parents who offer a transitional living program—Address supervision of program participants                                      |        |            |     |
| 749.351(3)  | Policies for foster parents who offer a transitional living program—Address expected behaviors of participants and consequences for not complying    |        |            |     |
| 749.351(4)  | Policies for foster parents who offer a transitional living program—Address training, education, and experiences to be achieved in the program       |        |            |     |
| 749.351(5)  | Policy for foster parents who offer a transitional living program—Address roles of participants, agency employees, contract staff, and caregivers    |        |            |     |
| 749.353(1)  | Respite child-care provider policies—Include minimum age for care providers  |        |            |     |
| 749.353(2)  | Respite child-care provider policies—Include minimum amount and type of prior child-care experience that a provider must have                        |        |            |     |
| 749.353(3)  | Respite child-care provider policies—Include amount and type of training a provider must have  |        |            |     |
| 749.353(4)  | Respite child-care provider policies—Include reference and background information that foster parents must get before using the provider             |        |            |     |
| 749.353(5)  | Respite child-care provider policies—Include amount of time a provider can care for children   |        |            |     |
| 749.353(6)  | Respite child-care provider policies—Include number of children that a provider can care for   |        |            |     |
| 749.353(7)  | Respite child-care provider policies—Include information foster parent must share with a provider, including emergency contact                       |        |            |     |
| 749.353(8)  | Respite child-care provider policies—Include care instructions the foster parent must share with provider for children with treatment needs          |        |            |     |
| 749.353(9)  | Respite child-care provider policies—Include a method for contact between the foster parent and provider during the time of the provider's care      |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number   | Brief Description   | Comply | Deficiency | N/A |
|---------------|---|--------|------------|-----|
| 749.353(10)   | Respite child-care provider policies—Include procedures for agency review and approval of arrangements  |        |            |     |
| 749.353(11)   | Respite child-care provider policies—Include requirements for documentation of arrangements, agency child placement staff review and approval |        |            |     |
| 749.355(1)    | Legal risk placement program policies—Specify requirements for foster-adoptive families to participate in the program                         |        |            |     |
| 749.355(2)    | Legal risk placement program policies—Specify criteria used in selecting children for appropriate legal-risk placements                       |        |            |     |
| 749.357(1)    | Adoption services policies—Include procedures and criteria for qualifying, screening, and selecting adoptive parents                          |        |            |     |
| 749.357(1)(A) | Adoption services policies—Include criteria used to evaluate potential adoptive parents   |        |            |     |
| 749.357(1)(B) | Adoption services policies—Include criteria used to make decisions about placing specific children with an adoptive family                    |        |            |     |
| 749.357(1)(C) | Adoption services policies—Include procedures used to implement the selection criteria  |        |            |     |
| 749.357(2)    | Adoption services policies—Include training and programs for the adoptive parents   |        |            |     |
| 749.357(3)    | Adoption services policies—Include statement of rights and responsibilities of the agency and adoptive parents prior to consummation          |        |            |     |
| 749.357(4)    | Adoption services policies—Include plan for review of adoption service plans appropriate to the needs of children served in the program       |        |            |     |
| 749.357(5)    | Adoption services policies—Include how you will assist adoptive homes on how to preserve the cultural identity of the children in their care  |        |            |     |
| 749.357(6)    | Adoption services policies—Include fees charged to adoptive parents and reimbursements to birth mothers                                       |        |            |     |
| 749.357(7)    | Adoption services policies—Include services that will be offered to birth parents   |        |            |     |
| 749.357(8)    | Adoption services policies—Include degree to which birth parents may be involved in planning for and placing their child                      |        |            |     |
| 749.357(9)    | Adoption services policies—Include post adoption services that will be offered to adoptive parents, adopted children, and birth parents       |        |            |     |
| 749.359(1)    | Volunteer policies—Include job descriptions and/or responsibilities   |        |            |     |
| 749.359(2)    | Volunteer policies—Address volunteer qualifications, screening and selection criteria, and orientation and training                           |        |            |     |
| 749.359(3)    | Volunteer policies—Address supervision of volunteers  |        |            |     |
| 749.359(4)    | Volunteer policies—Address visitation with children in care   |        |            |     |
| 749.425(a)    | Appeal process—Develop a written appeal process for adult clients in regard to agency actions and decisions that affect those clients         |        |            |     |
| 749.425(b)(1) | Appeal process—Describes how the agency will inform clients of their right to appeal  |        |            |     |
| 749.425(b)(2) | Appeal process—Describes procedures for making an appeal  |        |            |     |
| 749.425(b)(3) | Appeal process—Describes who will hear an appeal and make the decision  |        |            |     |
| 749.425(b)(4) | Appeal process—Describes how the person who requests an appeal will find out about the decision   |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number                            | Brief Description  | Comply | Deficiency | N/A |
|--|--|--------|------------|-----|
| 749.425(b)(5)                          | Appeal process—Describes time frames for making a decision and communicating the decision to the complainant   |        |            |     |
| 749.425(b)(6)                          | Appeal process—Describes the basis for an appeal decision  |        |            |     |
| 749.425(c)                             | Appeal process—Provide information on appeal process to each birth parent, foster parent applicant, or adoptive applicant before they become clients |        |            |     |
| <b>Reports and Record Keeping</b>      |  |        |            |     |
| 749.531(a)                             | Electronic files—Develop procedures that address what must be in the external paper file and what can be in the electronic file                      |        |            |     |
| 749.531(c)(1)                          | Electronic files—Develop security policies that address computer security systems, confidentiality, passwords and employee procedures                |        |            |     |
| 749.531(c)(2)                          | Electronic files—Develop policies that address requirements for routine back up of data  |        |            |     |
| 749.531(c)(3)                          | Electronic files—Develop policies that address anti-virus protection systems   |        |            |     |
| 749.533                                | Electronic and paper files—Develop procedures for protecting from destruction, loss, unauthorized access   |        |            |     |
| <b>Agency Personnel and Caregivers</b> |  |        |            |     |
| 749.601                                | Professional staffing plan—Written and implemented   |        |            |     |
| 749.601(1)                             | Professional staffing plan—Describes number, qualifications, responsibilities of professionals appropriate for the size & scope of services          |        |            |     |
| 749.601(2)                             | Professional staffing plan—Describes qualifications/responsibilities, authority of professional positions, number hours and/or frequency of services |        |            |     |
| 749.601(3)                             | Professional staffing plan—Describes how staff or service provider support clients served through branch offices                                     |        |            |     |
| 749.631(1)                             | CPA administrator—Meets qualifications established by the agency's governing body  |        |            |     |
| 749.631(2)                             | CPA administrator—Licensed according to HRC Chapter 43 and Subchapter N of Chapter 745   |        |            |     |
| 749.631(3)                             | CPA administrator—Is full-time employee of agency  |        |            |     |
| 749.633(a)(1)                          | CPA administrator—Can be administrator for two operations if both operations are in good standing with Licensing                                     |        |            |     |
| 749.633(a)(2)                          | CPA administrator—Can be administrator for two operations if the size and scope of the operations are manageable by one person                       |        |            |     |
| 749.633(a)(3)                          | CPA administrator—Can be administrator for two operations if the person also holds a valid Child-Placing Agency Administrator License                |        |            |     |
| 749.633(a)(4)                          | CPA administrator—Can be administrator for two operations if at least one CPA is not managing more than 25 foster homes                              |        |            |     |
| <b>Children's Rights</b>               |  |        |            |     |
| 749.1009(a)(1)                         | Child Rights parent contact—Allow contact between a child and his parent according to your policies  |        |            |     |
| <b>Admission and Placement</b>         |  |        |            |     |
| 749.1101(a)                            | Admission—Only admit children who meet agency's admission policy with needs agency can meet; any changes require amendment to permit                 |        |            |     |
| 749.1101(a)(1)                         | Admission—Only accept children whose age and gender are specified on the permit  |        |            |     |
| 749.1101(a)(2)                         | Admission—Only accept children needing the services that are specified on the permit   |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered



## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number                            | Brief Description  | Comply | Deficiency | N/A |
|--|--|--------|------------|-----|
| 749.1113(b)(1)                         | Information to Share with Parents—Review and provide at admission written information about the policies presented to a child during orientation     |        |            |     |
| 749.1113(b)(2)(A)                      | Information to Share with Parents—Review and provide at admission written information regarding the use of volunteers or sponsoring families         |        |            |     |
| 749.1113(b)(2)(B)                      | Information to Share with Parents—Review and provide at admission written information explaining type and frequency of notifications made to parents |        |            |     |
| 749.1113(b)(2)(C)                      | Information to Share with Parents—Provide written information explaining child's involvement in agency publicity and/or fund raising activity        |        |            |     |
| 749.1113(3)(A)                         | Information to Share with Parents—Explain in writing parent's right to refuse or withdraw consent for child to participate in Research programs      |        |            |     |
| 749.1113(3)(B)                         | Information to Share with Parents—Explain in writing parent's right to refuse/withdraw consent for a child to participate in publicity/fund raising  |        |            |     |
| <b>Daily Care/Problem Management</b>   |  |        |            |     |
| 749.1863(1)                            | Pregnant child—If policy allows personal restraint on pregnant child, health professional attending to pregnancy must document if EBI is inadvisable |        |            |     |
| 749.1863(2)                            | Pregnant child—If policy allows personal restraint on pregnant child, you may not use EBI if child's health-care professional finds it inadvisable   |        |            |     |
| 749.1865(1)                            | Pregnant child-If policy permits admission of adolescent parent with her child(ren) then parent must provide most of care for her child              |        |            |     |
| 749.1865(2)                            | Pregnant child—If policy permits admission of adolescent parent with her child(ren) caregivers must be available to adolescent parent as resource    |        |            |     |
| 749.1865(3)                            | Pregnant child—If policy permits admission of adolescent parent with her child(ren), in parent's absence the agency is responsible for the child     |        |            |     |
| <b>Emergency Behavior Intervention</b> |  |        |            |     |
| 749.1951(b)(1)                         | Disciplinary Measures—Must be consistent with operation policies & procedures  |        |            |     |
| 749.2051(a)(1)                         | Emergency Behavior Intervention—If policies permit and requirements of this subchapter are met, you may use short personal restraint                 |        |            |     |
| 749.2051(a)(2)                         | Emergency Behavior Intervention—If policies permit and requirements of this subchapter are met, you may use personal restraint                       |        |            |     |
| 749.2051(a)(3)                         | Emergency Behavior Intervention—If policies permit and requirements of this subchapter are met, you may use emergency medication                     |        |            |     |
| 749.2051(b)                            | Emergency Behavior Intervention—Never administer chemical restraints, mechanical restraints, seclusion   |        |            |     |
| 749.2231(a)(1)                         | Successive Interventions—Caregiver may successively use emergency behavior interventions on a child only if allowed by your policies                 |        |            |     |
| 749.2233(a)(1)                         | Simultaneous Interventions—May use emergency medication with personal restraint only if allowed by your policies                                     |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

Agency Name: \_\_\_\_\_ Date: \_\_\_\_\_

| Rule Number                            | Brief Description   | Comply | Deficiency | N/A |
|--|---|--------|------------|-----|
| <b>Health, Safety, and Environment</b> |   |        |            |     |
| 749.2931(a)                            | Tobacco Product Policies- must have policies stating that children may not use or possess tobacco products  |        |            |     |
| 749.2931(b)                            | Tobacco Product Policies- must have policies stating that caregivers and other adults may only smoke tobacco products outside   |        |            |     |
| 749.2931(c)                            | Tobacco Product Policies- must have policies stating that no one may smoke tobacco products in motor vehicles while transporting children in care   |        |            |     |
| 749.2961(a)(2)                         | Must develop policy with specific precautions on storage if allow weapons-firearms-explosive materials-projectiles-toys that explode or shoot you   |        |            |     |
| 749.2961(b)                            | Policies must require foster parents to notify you if there is a change in the type and amount of weapons-firearms-explosive materials-projectiles  |        |            |     |
| <b>Drug Testing</b>                    |   |        |            |     |
| 745.4151(a)                            | Operation must adopt the DFPS drug testing policy or have its own   |        |            |     |
| 745.4151(b)                            | Operation must pay for drug tests, except as provided in subsection (c)(7)  |        |            |     |
| 745.4151(c)                            | The criteria for the Model DFPS Drug Testing policy include purpose, scope, and definitions   |        |            |     |
| 745.4151(c)(1)                         | Purpose. Ensure the safety of resident children and protect employee rights   |        |            |     |
| 745.4151(c)(2)                         | Scope. Applies to all employees and applicants that have direct contact with children in care and volunteers; regarding drug abuse allegations, applies to any person who works under the auspices of the operation and who directly cares for or has access to a child in care |        |            |     |
| 745.4151(c)(4)(A)                      | Mandatory drug testing-all applicants intended to be hired are subject to pre-employment testing prior to child access  |        |            |     |
| 745.4151(c)(4)(B)                      | Mandatory drug testing-all employees are subject to random, unannounced drug testing  |        |            |     |
| 745.4151(c)(4)(C)                      | Mandatory drug testing-any employee that is subject of child abuse or neglect investigation must be drug tested within 24 hr of notification by DFPS  |        |            |     |
| 745.4151(c)(4)(D)                      | Mandatory drug testing-any person who works under the auspices of the operation who is alleged to be abusing drugs must be tested within 24 hours   |        |            |     |
| 745.4151(c)(5)                         | Drug testing procedures   |        |            |     |
| 745.4151(c)(5)(A)                      | All drug testing will at a minimum screen for marijuana, cocaine, opiates, amphetamines, and phencyclidine  |        |            |     |
| 745.4151(c)(5)(B)                      | All drug testing will use one of the following drug-testing methods   |        |            |     |
| 745.4151(c)(5)(B)(i)                   | Drug testing method - performed by a certified laboratory   |        |            |     |
| 745.4151(c)(5)(B)(ii)                  | Drug testing method - a testing kit with proven rates of false positives below 2% and false negatives below 8%  |        |            |     |
| 745.4151(c)(5)(B)(iii)                 | Dug testing method- another testing method with proof of accuracy comparable to either of the first two choices   |        |            |     |
| 745.4151(c)(5)(C)                      | Ensure the integrity and identity of the specimen collected from the time of collection to the time of disposal   |        |            |     |
| 745.4151(c)(5)(D)                      | Preserve the privacy and rights of the person tested  |        |            |     |
| 745.4151(c)(6)                         | Discipline  |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered

## Child-Placing Agency

### Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Agency

**Agency Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

| Rule Number               | Brief Description  | Comply | Deficiency | N/A |
|---------------------------|--|--------|------------|-----|
| 745.4151(c)(6)<br>(A)     | An applicant or employee's consent to submit to drug testing is required as a condition of employment  |        |            |     |
| 745.4151(c)(6)<br>(B)     | An employee tested because there is "good cause to believe the employee may be abusing drugs," may be suspended  |        |            |     |
| 745.4151(c)(6)<br>(C)     | An employee determined to have abused drugs is subject to discipline including discharge   |        |            |     |
| 745.4151(c)(6)<br>(D)     | An applicant or employee determined to have abused drugs may not have direct contact with children if he presents a risk   |        |            |     |
| 745.4151(c)(6)<br>(E)     | An employee determined to have abused drugs may complete a rehabilitation program at the employee's expense  |        |            |     |
| 745.4151(c)(7)            | Appeal. An applicant or employee whose drug test is positive may appeal at the applicant or employee's expense   |        |            |     |
| 745.4151(c)(7)<br>(A)     | Appeal drug test results. Explain or offer documentation for the positive drug test  |        |            |     |
| 745.4151(c)(7)<br>(B)     | Appeal drug test results. Request that remaining portion of the sample that yielded positive results be submitted for additional independent test  |        |            |     |
| 745.4151(c)(7)<br>(C)     | Appeal drug test results. Employee may submit the written test result for independent medical review   |        |            |     |
| 745.4151(c)(8)            | Documentation of drug testing  |        |            |     |
| 745.4151(c)(8)<br>(A)     | All applicants and employees must be provided a copy of the drug testing policy and sign a document consenting to these terms of employment  |        |            |     |
| 745.4151(c)(8)<br>(B)     | Drug test results for employees must be kept for one year after an employee's last work day or until any investigation involving the person is resolved; all other drug test results required will be kept for one year from the date the drug test was administered |        |            |     |
| <b>Controlling Person</b> |  |        |            |     |
| 745.903(1)                | Controlling Person - Submit Controlling Person Form to local Licensing office when applying for a permit. See §745.901.  |        |            |     |
| 745.903(2)                | Controlling Person - Submit Controlling Person Form to Licensing within two days after a person becomes a controlling person. See §745.901.  |        |            |     |
| 745.911(a)(1)             | Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being barred from operating in another state.   |        |            |     |
| 745.911(a)(2)             | Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being revoked in another state.   |        |            |     |

Additional Rules May Be Evaluated Based on the Agency or Services Offered