

40 TAC § 702.1
Tex. Admin. Code tit. 40, § 702.1

§ 702.1. What is the purpose of this chapter?

The purpose of this chapter is to provide rules that guide the general administration of the Texas Department of Protective and Regulatory Services or that pertain to more than one program area with the department.

40 TAC § 702.5
Tex. Admin. Code tit. 40, § 702.5

§ 702.5. How are the terms in this chapter defined?

The words and terms in this chapter have the following meanings, unless the context clearly indicates otherwise:

(1) APS--Adult Protective Services, a division of the Texas Department of Protective and Regulatory Services (PRS) responsible for providing protective services for elderly and disabled persons.

(2) Board--The board of the Texas Department of Protective and Regulatory Services.

(3) CCL--Child-Care Licensing, a division of PRS responsible for the regulation of child-care facilities, as provided in Chapter 42 of the Human Resources Code.

(4) CPS--Child Protective Services, a division of PRS responsible for providing protective services to children and for providing family support and family preservation services.

(5) Department--The Texas Department of Protective and Regulatory Services.

(6) Executive director--The director of PRS.

(7) PEI--Prevention and Early Intervention, a division of PRS responsible for implementing and managing programs intended to provide early intervention or prevent at-risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school.

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(8) PRS--Texas Department of Protective and Regulatory Services.

**40 TAC § 702.201
Tex. Admin. Code tit. 40, § 702.201**

§ 702.201. What types of records are maintained by PRS?

(a) PRS maintains records relating to our general administrative functions, including personnel records, financial records, policy and procedure manuals, and agency performance measurements. These records are generally available to the public and may be requested under the Texas Government Code, Chapter 552, the Texas Public Information Act.

(b) PRS also maintains confidential records relating to the clients served by our programs. These records are generally not available to the public, although they may be available to individual clients, government agencies, and others, as provided by state and federal laws and PRS rules. Additional rules concerning confidential client records may be found in the chapters of this part specifically relating to the Child Protective Services, Adult Protective Services, and the Child-Care Licensing programs.

(c) A complete listing of the types of records maintained by PRS may be found in the PRS Records Retention Schedule, available on the PRS public web site.

**40 TAC § 702.205
Tex. Admin. Code tit. 40, § 702.205**

§ 702.205. Does PRS make information available on the public Internet?

Yes. PRS publishes a wide variety of information on our public web site, including the following:

(1) a description of agency programs and telephone numbers for reporting suspected abuse or neglect of children, the elderly, or the disabled;

(2) information on becoming a foster or adoptive parent;

(3) information on children available for adoption;

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- (4) listings of child-care facilities by local area;
- (5) copies of agency business plans, annual reports, and performance measurement statistics;
- (6) dates and agendas for upcoming PRS Board meetings and information on agency rules;
- (7) information on doing business with PRS; and
- (8) a listing of current job openings within PRS.

40 TAC § 702.209
Tex. Admin. Code tit. 40, § 702.209

§ 702.209. What is the PRS public web site address?

The PRS public web site address is: <http://www.tdprs.state.tx.us>.

40 TAC § 702.213
Tex. Admin. Code tit. 40, § 702.213

§ 702.213. How can a member of the public obtain information or copies of records that are not on the PRS web site?

Requests for copies of records must generally be submitted in writing, along with proof of identification, unless the request is for a copy of a PRS brochure or publication specifically designed for public distribution. To ensure that all necessary information is included with your request, you may be asked to complete a PRS Information Request Form. A copy of this form may be downloaded from the PRS public web site or requested from any PRS office.

40 TAC § 702.217
Tex. Admin. Code tit. 40, § 702.217

§ 702.217. Where should the Information Request Form be submitted?

(a) For the quickest response, submit your request for client records to the PRS regional attorney's office in the region where the records are physically located. In general, copies of client investigation records are stored in the region where the investigation took place. A complete listing of regional attorney offices by geographical location is

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available on the PRS public web site.

(b) Requests for copies of public records, such as financial and personnel records, should be submitted to: TDPRS, Office of General Counsel, E-611, P.O. Box 149030, Austin, TX, 78714-9030.

**40 TAC § 702.221
Tex. Admin. Code tit. 40, § 702.221**

§ 702.221. Is there a charge for copies of PRS records?

Yes. PRS charges a fee to cover the costs of providing copies of its records, other than PRS brochures and publications specifically designed for public distribution at no cost. Fees are calculated according to the rules adopted by the General Services Commission, located in 1 TAC Chapter 111, Subchapter C (relating to Cost of Copies of Public Information). We may, at our discretion, waive charges if we determine that waiver is in the public interest or if we determine that the cost of collecting a fee exceeds the cost of providing the records.

**40 TAC § 702.223
Tex. Admin. Code tit. 40, § 702.223**

§ 702.223. How does the department prioritize fulfilling requests for copies of confidential client records that require redaction prior to their release?

(a) In responding to requests for client records that require redaction to remove certain confidential information before release, department staff must work diligently to fulfill each request in as timely a manner as possible, subject to the priorities set forth in this section. The department fulfills requests for client records in the following priority order, from highest to lowest priority ranking:

- (1) Records provided in response to a subpoena or court order that has been properly served on the department;
- (2) Records provided in response to discovery in a lawsuit to which the department is a party;
- (3) Records provided to a prospective adoptive family before an adoption may be consummated;
- (4) Records provided to a party or the administrative law judge in an Employee Misconduct Registry administrative hearing;

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(5) Records provided to a party or the administrative law judge in a hearing conducted by the State Office of Administrative Hearings;

(6) Records provided to a duly authorized person documenting the results of a school investigation as required by § 261.406, Texas Family Code;

(7) Records provided to a party in an administrative review of investigative findings that is conducted by the department;

(8) Records provided to an adult who was previously in the conservatorship of the department, if the request is for a copy of such adult's own "case record" as defined by § 264.0145, Texas Family Code; and

(9) Records provided to all other requestors entitled to receive the requested records, which are fulfilled in the order they are received.

(b) Notwithstanding subsection (a) of this section, the department reserves the right to expedite any request for records when the department determines that a delay in fulfilling the request may:

(1) jeopardize the health or safety of any person;

(2) cause any person to suffer undue hardship; or

(3) result in the department's failure to meet a mandatory deadline for production of the requested records as imposed by a court or administrative tribunal.

(c) Additional information on who is entitled to receive confidential client records is provided in the following chapters in Title 40, Texas Administrative Code:

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- (1) Chapter 700 of this title (relating to Child Protective Services);
- (2) Chapter 705 of this title (relating to Adult Protective Services); and
- (3) Chapter 745 of this title (relating to Licensing).

40 TAC § 702.251
Tex. Admin. Code tit. 40, § 702.251

§ 702.251. What is the Central Registry?

The Central Registry is a registry of validated cases of child abuse or neglect that is maintained by the Department, as required by Texas Family Code, § 261.002. The registry is maintained as a subset of information in the DFPS automated database system entitled Information Management Protecting Adults and Children in Texas (IMPACT).

40 TAC § 702.253
Tex. Admin. Code tit. 40, § 702.253

§ 702.253. What information does the Central Registry include?

The Central Registry contains the names of designated or sustained perpetrators found by the Department to have abused or neglected a child, and the supporting investigation case records relating to such findings. The Central Registry consists of completed investigations given a disposition of “reason to believe” by Child Protective Services (CPS) or Child Care Licensing (CCL), or “confirmed” by Adult Protective Services (APS). The types of investigations that may result in a disposition of “reason to believe” or “confirmed” include:

- (1) CPS investigations conducted pursuant to Texas Family Code (TFC) § 261.301, as further described in Chapter 700, Child Protective Services, Subchapter E of this title (relating to Intake, Investigation, and Assessment);
- (2) CPS investigations conducted pursuant to TFC § 261.406, as further described in Chapter 700, Child Protective Services, Subchapter D of this title (relating to School Investigations);
- (3) APS investigations conducted pursuant to TFC § 261.404, as further described in Chapter 711, Investigations in DADS and DSHS Facilities and Related Programs, Subchapter E of this title (relating to Conducting the

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Investigation); and

(4) CCL investigations conducted pursuant to TFC § 261.401 and Human Resources Code § 42.044, as further described in Chapter 745, Licensing, Subchapter K of this title (relating to Inspections and Investigations).

**40 TAC § 702.255
Tex. Admin. Code tit. 40, § 702.255**

§ 702.255. How long is investigation information relating to a validated child abuse or neglect case retained in the Central Registry?

Investigations that result in a “reason to believe” or “confirmed” finding are maintained in the Central Registry for as long as the investigation case file is retained by the Department under the Department’s official Records Retention Schedule. When the case containing the investigation record is no longer retained, the central registry information is also deleted. The Department’s Record Retention Schedule for CPS, APS, and CCL case records can be found at: <http://www.dfps.state.tx.us/documents/about/pdf/RecordRetentionSchedule.pdf>.

**40 TAC § 702.257
Tex. Admin. Code tit. 40, § 702.257**

§ 702.257. Is the information in the Central Registry available to the general public?

No. The information stored in the Central Registry is confidential and may be released by the Department only as provided by state and federal law and Department rules.

**40 TAC § 702.301
Tex. Admin. Code tit. 40, § 702.301**

§ 702.301. What definitions apply to this subchapter?

As used in this subchapter, the following words have the following meanings:

(1) Agency foster home-A residential child-care facility as that term is defined in Chapter 42, Human Resources Code, that is verified by a licensed or certified child-placing agency to provide care for no more than six children for 24 hours per day in the home of the verified foster parent(s).

(2) Agency foster group home-A residential child-care facility as that term is defined in Chapter 42, Human Resources Code, that is verified by a licensed or certified child-placing agency to provide care for no more than 12 children for 24 hours per day in the home of the verified foster parent(s).

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(3) Department-Department of Family and Protective Services.

(4) General residential operation-A residential child-care facility as that term is defined in Chapter 42, Human Resources Code, that is licensed by the department to provide care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

(5) Independent foster home-A residential child-care facility as that term is defined in Chapter 42, Human Resources Code, that is licensed by the department to provide care for no more than six children for 24 hours per day in the home of the foster parent(s).

(6) Independent foster group home-A residential child-care facility as that term is defined in Chapter 42, Human Resources Code, that is licensed by the department to provide care for no more than 12 children for 24 hours per day in the home of the foster parent(s).

(7) Individual who works under the auspices-A person described in § 745.8553 of this title (relating to Who works "under the auspices of an operation"?).

**40 TAC § 702.303
Tex. Admin. Code tit. 40, § 702.303**

§ 702.303. Is the department authorized to release any information to the general public in the event of a child fatality that may be the result of abuse or neglect?

In accordance with state and federal law permitting the release of certain information and findings relating to a child fatality that is investigated in connection with alleged abuse or neglect of a child by the child's caregiver or a member of the child's household, the department may release certain information in the event of a child fatality, as provided under this subchapter.

**40 TAC § 702.305
Tex. Admin. Code tit. 40, § 702.305**

§ 702.305. What types of abuse or neglect investigations are covered by this subchapter?

This subchapter applies only to:

(1) an investigation of abuse or neglect relating to a child fatality, other than a school investigation, that is conducted by the department's Child Protective Services division; and

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(2) an investigation of abuse or neglect relating to a child fatality that is conducted by the department's Child Care Licensing division in which the child-care provider that is investigated for possible abuse or neglect is one of the following types of residential care providers regulated under Chapter 42, Human Resources Code:

(A) an agency foster home or agency foster group home;

(B) an independent foster home or independent foster group home; or

(C) a general residential operation.

40 TAC § 702.307
Tex. Admin. Code tit. 40, § 702.307

§ 702.307. What information may the department release to the general public for the investigations covered by this subchapter?

(a) The department may release information regarding a child fatality only in response to a request for information relating to the child fatality.

(b) The department will release the following information no later than five days following the death of the child or the receipt of the request for information regarding the death of the child, whichever occurs later:

(1) the age and gender of the deceased child;

(2) the date of the child's death;

(3) whether the deceased child was in the conservatorship of the department at the time of the child's death; and

(4) whether, at the time of death, the child was living with:

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(A) the child's parent, managing conservator, a legal guardian, or other person entitled to possession of the child; or

(B) an agency foster home, agency foster group home, independent foster home, independent foster group home, or general residential operation.

(c) Following the completion of the abuse or neglect investigation of a child fatality in which the department confirms one or more allegations of abuse or neglect relating to the child fatality, the department may release information in addition to that covered by subsection (b) of this section, as provided under § 702.309 of this title (relating to What types of information may the department release following completion of an abuse or neglect investigation conducted by Child Protective Services that involves a child fatality?) and § 702.311 of this title (relating to What types of information may the department release following completion of an abuse or neglect investigation conducted by Child Care Licensing that involves a child fatality?).

**40 TAC § 702.309
Tex. Admin. Code tit. 40, § 702.309**

§ 702.309. What types of information may the department release following completion of an abuse or neglect investigation conducted by Child Protective Services that involves a child fatality?

(a) Upon completion of a child fatality investigation by Child Protective Services in which one or more allegations of abuse or neglect are confirmed, the department may release a summary report of all investigations in which the deceased child was an alleged victim or a child living in the same home as another alleged victim.

(b) The summary released under subsection (a) of this section shall include:

(1) the date on which each investigation began, a brief description of the nature of the alleged abuse or neglect investigated, and the disposition of those investigations;

(2) a brief description of the services, if any, which were provided by the department to the child or the child's family as a result of the investigation, including whether or not the deceased child or another child in the home was removed from the home as a result of the investigation; and

(3) if the department identified any risk factors relating to the deceased child at the completion of any

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investigation, a listing of the risk factors identified by the department and the actions, if any, that were taken to mitigate those risks.

**40 TAC § 702.311
Tex. Admin. Code tit. 40, § 702.311**

§ 702.311. What types of information may the department release following completion of an abuse or neglect investigation conducted by Child Care Licensing that involves a child fatality?

(a) Upon completion of a child fatality investigation by Child Care Licensing in which one or more allegations of abuse or neglect are confirmed against an individual who works under the auspices of an agency foster home or agency foster group home, the department may release a summary report containing the following information:

(1) the name of the child-placing agency that most recently verified the home and the date of verification;

(2) if previously verified by the same or another child-placing agency:

(A) the name of each prior child-placing agency that verified the home;

(B) the dates on which any prior verification began and ended; and

(C) the reason for any prior closure of the home if the information is documented in the department's records;

(3) for each allegation of abuse or neglect investigated against an individual in the same home in the five-year period ending with the child fatality:

(A) the date on which the investigation was initiated;

(B) the type of alleged abuse or neglect;

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(C) the disposition of the investigation;

(D) whether an appeal of the disposition is pending; and

(E) whether the deceased child was an alleged victim of any of the prior allegations of abuse or neglect;

(4) any violations of minimum standards at the same home in the five-year period ending with the child fatality;

(5) a description of the types of training required to be completed by the foster parent, employees, or other persons providing care or supervision of a child in the same home and a summary explanation of any training standards violated in the five-year period ending with the child fatality to the extent documented in the department's records; and

(6) a summary of any remedial actions taken by Child Care Licensing against the home or the child-placing agency that verified the home in the five-year period ending with the child fatality.

(b) Upon completion of a child fatality investigation by Child Care Licensing in which one or more allegations of abuse or neglect are confirmed against an individual who works under the auspices of an independent foster home, independent foster group home, or general residential operation, the department may release a summary report containing the following information:

(1) the date on which the home or operation was licensed;

(2) for each allegation of abuse or neglect investigated against an individual in the same home or operation in the five-year period ending with the child fatality:

(A) the date on which the investigation was initiated;

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(B) the type of alleged abuse or neglect;

(C) the disposition of the investigation;

(D) whether an appeal of the disposition is pending; and

(E) whether the deceased child was an alleged victim of any of the prior allegations of abuse or neglect;

(3) any violations of minimum standards at the home or operation in the five-year period ending with the child fatality;

(4) a description of the types of training required to be completed by a foster parent, employee, director or other person providing care or supervision of a child in the home or operation and a summary explanation of any training standards violated in the five-year period ending with the child fatality to the extent documented in the department's records; and

(5) a summary of any remedial actions taken by Child Care Licensing against the home or operation in the five-year period ending with the child fatality.

(c) Notwithstanding any other provision in this subchapter, if a child was living with a licensed or verified child-care provider at the time of death, but the injuries that led to the child's death occurred prior to placement with that provider and Child Protective Services confirmed a finding of abuse or neglect in connection with the child fatality, the department may provide information under § 702.309 of this title (relating to What types of information may the department release following completion of an abuse or neglect investigation conducted by Child Protective Services that involves a child fatality?).

**40 TAC § 702.313
Tex. Admin. Code tit. 40, § 702.313**

§ 702.313. What kinds of information must be redacted from any records released to the general public under this subchapter?

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(a) Prior to releasing any information to the general public in connection with a child fatality, the department shall redact from those records:

(1) the names of any individual other than the deceased child or the alleged perpetrator; and

(2) any other information, the release of which would:

(A) identify a reporter of abuse or neglect;

(B) interfere with an ongoing criminal investigation or prosecution;

(C) endanger the life or safety of any individual; or

(D) violate other state or federal law.

(b) Notwithstanding any other provision in this subchapter, the department shall not release the name of an alleged perpetrator unless that individual has exhausted all appeal rights and the finding of abuse or neglect has been sustained. The department may describe the role of the alleged perpetrator with respect to the deceased child, including whether the alleged perpetrator was a parent, relative, foster parent or other caregiver of the child.

**40 TAC § 702.315
Tex. Admin. Code tit. 40, § 702.315**

§ 702.315. How soon following the completion of an investigation involving a child fatality in which abuse or neglect has been confirmed will the department provide the information required by this subchapter?

(a) When possible, the department will provide the records that are required to be provided under this subchapter within 10 days of the date the investigation is completed or the records are requested, whichever occurs later. If the department is unable to meet the 10-day deadline, the department will provide the records as soon as possible thereafter and will advise the requestor of the date on which the department anticipates having all the records available to release.

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(b) Nothing in this subchapter will prevent the department from providing information prior to the completion of an investigation to the extent the information is available and its release is authorized under state or federal law or these rules.

**40 TAC § 702.317
Tex. Admin. Code tit. 40, § 702.317**

§ 702.317. Does the department have other rules providing for the release of information relating to a child abuse or neglect investigation or child-care licensing regulatory activities that are not covered by this subchapter?

Yes. For more information on what the department may release to specific persons, categories of persons, or to the general public:

(1) for investigations conducted by the Child Protective Services division, refer to Subchapter B, Confidentiality and Release of Records, in Chapter 700 of this title (relating to Child Protective Services); and

(2) for Child Care Licensing regulatory activities, including investigations of abuse or neglect conducted by the Child Care Licensing division, refer to Division 3, Confidentiality, in Subchapter K, Inspections and Investigations, of Chapter 745 of this title (relating to Licensing).

**40 TAC § 702.401
Tex. Admin. Code tit. 40, § 702.401**

§ 702.401. Assisted Living Facilities

(a) Basis. The Texas Department of Human Services, hereinafter referred to as DHS, the Texas Office of the Attorney General, hereinafter referred to as OAG, and the Texas Department of Protective and Regulatory Services, hereinafter referred to as TDPRS are required under the provisions of Health and Safety Code §§ 247.046 and 247.062 to enter into a memorandum of understanding (MOU) regarding their respective responsibilities, procedures, enforcement needs, and plans for correcting violations or deficiencies in assisted living facilities. This MOU implements those requirements.

(b) DHS responsibilities.

(1) DHS accepts applications and issues licenses in accordance with the requirements of Chapter 247, and DHS rules and standards adopted to implement the law.

(2) If DHS finds a licensed assisted living facility operating in violation of minimum standards or licensing requirements and the violation creates an immediate threat to the health and safety of a resident in the facility,

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DHS may suspend the license or order the immediate closing of all or part of the facility. DHS shall retain primary responsibility for assisting families in finding new placements for individuals displaced when facilities licensed by or subject to licensure by DHS are closed. DHS will inquire whether a resident is receiving services from a mental health authority (MHA) and will contact the MHA accordingly to ensure continuation of service and placement assistance.

(3) DHS shall investigate each allegation of abuse, exploitation, or neglect of a resident of a assisted living facility in accordance with Chapter 247 of the Health and Safety Code, Chapter 48 of the Human Resources Code, and DHS rules. If the investigation reveals abuse, exploitation, or neglect, DHS shall implement enforcement measures, including closing the facility, revoking the facility's license, relocating residents, and making referrals to law enforcement agencies (including the OAG) as appropriate.

(4) DHS may refer a facility to the OAG or a local prosecuting attorney for the purpose of petitioning a district court for a temporary restraining order to restrain a continuing violation of standards or licensing requirements for assisted living facilities. If DHS finds that the violation creates an immediate threat to the health and safety of the assisted living facility residents, the referral is made to the OAG along with all affidavits necessary to prosecute the case. If the violation does not create an immediate threat to the health and safety of assisted living facility residents, the referral is to a local prosecuting attorney. DHS, through the OAG or a local prosecuting attorney, may petition a district court for a restraining order to inspect a facility that is operating without a license when admission to the facility cannot be obtained. In these inspection situations, DHS shall first contact the local prosecuting attorney for assistance.

(5) DHS shall cooperate with the OAG and/or the local prosecuting attorney in the preparation and prosecution of injunctive actions against assisted living facilities against which DHS has requested legal proceedings.

(6) DHS may refer persons who do not possess a license, or assisted living facilities that violate the Personal Care Facility Licensing Act (Chapter 247 of the Health and Safety Code) or a rule adopted under that act, whose violation threatens the health and safety of a resident of a assisted living facility, to the OAG for the purpose of petitioning a district court for civil penalties under § 247.045 of the Health and Safety Code. DHS will refer civil penalty cases to the local district attorney, county attorney, or city attorney if the OAG does not take action within 30 days of the referral. DHS shall cooperate with the OAG and the local prosecuting attorneys in the preparation for and prosecution of civil penalty actions.

(c) TDPRS responsibilities. TDPRS will assist DHS, upon request, in finding suitable placement for incapacitated individuals who have no family willing to assist and who must be relocated due to the closing of an assisted living facility licensed or subject to licensure by DHS.

(d) OAG responsibilities.

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(1) The OAG will work in close cooperation with DHS throughout any legal proceeding requested by DHS under Chapter 247 of the Health and Safety Code.

(2) The OAG will keep DHS informed of the status of all cases referred to the OAG under Chapter 247 of the Health and Safety Code upon the request of DHS.

(3) The OAG will represent DHS to the full extent of the law in Chapter 247 actions.

(4) When the OAG chooses not to prosecute a Chapter 247 case referred by DHS, it will immediately inform DHS so that alternative action can be taken.

(e) Complaint investigations and opportunities for corrective action.

(1) When a complaint is received about a licensed or a unlicensed assisted living facility, DHS will do a complaint investigation of the facility. If the owner of an unlicensed facility denies DHS investigators access to a facility, DHS may, through the OAG or a local prosecutor's office, petition a district court for a temporary restraining order to inspect the facility.

(2) If the investigation indicates that there is a violation of minimum standards and the violation creates an immediate threat to the health and safety of a facility resident, DHS will suspend the license and order closing of the facility for a ten-day period.

(3) If the investigation indicates that there is a violation of minimum standards or licensing requirements and the violation is a threat to resident health and safety, DHS immediately makes a referral to the Attorney General's office to enjoin the facility's operation, enjoin the facility from violating standards or licensing requirements, and/or for assessment of civil monetary penalties.

(4) If the OAG does not take action on a civil penalty referral within 30 days of the referral, DHS will refer the case to the local prosecuting attorney.

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(5) If the investigation indicates a violation of minimum standards or licensing requirements but the violation is not a threat to resident health and safety, DHS may notify the owner that he is in violation and make a referral to the local prosecuting attorney or the OAG only after the facility owner is given an opportunity to take appropriate action to come into compliance within a reasonable time.

(6) If the local prosecuting attorney refuses to prosecute a case, DHS may seek the assistance of the OAG.

(7) DHS may deny, suspend, or revoke the license of a licensed facility for violating the Personal Care Facility Licensing Act or rules adopted under that act.

(8) If further investigation or monitoring of a facility that has previously indicated that it will come into compliance, indicates that violations have continued, DHS may immediately seek injunctive or other appropriate relief in coordination and cooperation with the OAG or the local prosecuting attorney.

40 TAC § 702.405

Tex. Admin. Code tit. 40, § 702.405

§ 702.405. Coordinated Services for Children and Youths

(a) Overview.

(1) Pursuant to the Texas Human Resources Code, § 41.0011, this memorandum of understanding has been developed by the Texas Department of Protective and Regulatory Services (TDPRS), Texas Commission for the Blind (TCB), Texas Department of Health (TDH), Texas Department of Human Services (TDHS), Texas Department of Mental Health and Mental Retardation (TXMHMR), Texas Education Agency (TEA), Texas Interagency Council on Early Childhood Intervention (ECI), Texas Juvenile Probation Commission (TJPC), Texas Rehabilitation Commission (TRC), and Texas Youth Commission (TYC), hereinafter referred to as “the agencies,” in consultation with advocacy and consumer groups.

(2) The memorandum, as adopted by rule by each agency, provides for the implementation of a system of community resource coordination groups, hereinafter referred to as coordination groups, to coordinate services for children and youths who need services from more than one agency, hereinafter referred to as “children and youths with multi-agency needs” or, more briefly, as “children and youths.”

(3) All coordination groups established pursuant to this memorandum must conform to the Model of Community Resource Coordination Groups (CRCG model) approved by the Commission on Children, Youth, and Family Services on April 27, 1990. This model is adopted by reference and may be obtained from:

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(A) TDPRS, 701 West 51st St., Austin, Texas 78751;

(B) TCB, 4800 North Lamar Boulevard, Austin, Texas 78756;

(C) TDH, 1100 West 49th Street, Austin, Texas 78756

(D) TDHS, 701 West 51st St., Austin, Texas 78751;

(E) TXMHMR, 909 West 45th St., Austin, Texas 78756;

(F) TEA, 1701 North Congress, Austin, Texas 78701;

(G) ECI, 1100 West 49th St., Austin, Texas 78756;

(H) TJPC, 2015 South I.H. 35, Austin, Texas 78741;

(I) TRC, 4900 North Lamar Blvd., Austin, Texas 78751; or

(J) TYC, 4900 North Lamar Blvd., Austin, Texas 78751.

(4) As specified in subsection (c)(5) of this section, this memorandum also requires the agencies, the coordination groups, and the Texas Health and Human Services Commission, hereinafter referred to as “the commission,” to work together to ensure that the commission’s strategic plan for delivering health and human services in Texas includes appropriate plans for delivering coordinated services to children and youths.

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(b) Role of the family. Although the primary purpose of this memorandum is to establish a system for interagency coordination of services to children and youths, the agencies:

(1) recognize the importance of the family in the life of each child and youth whom the agencies serve; and

(2) are committed to providing services pursuant to this memorandum in the most normal and least restrictive environments possible.

(c) Each agency's financial and statutory responsibilities.

(1) Each agency's financial and statutory responsibilities for children and youth are described in Health and Human Services in Texas: A Reference Guide, published by the commission.

(2) Each agency agrees to provide coordination groups with relevant additional information about its financial and statutory responsibilities when such information is necessary for the groups to meet their responsibilities. The additional information may include, but is not limited to, descriptions of subcategories of funding for different types of service such as investigation, risk prevention, family preservation, emergency shelter, diagnosis and evaluation, residential care, follow-up services after a stay in residential care, and information and referral assistance.

(3) Whenever necessary in particular cases, coordination groups are responsible for further clarifying the agencies' financial and service responsibilities.

(4) The agencies agree to seek the resources needed to comply with this memorandum.

(5) To the extent that operating under this memorandum helps the agencies to identify structural problems, gaps, and inefficiencies in the state's systems for delivering health and human services to children and youths with multi-agency needs, the agencies agree to give the commission information about the problems, gaps, and inefficiencies so identified. The agencies also agree to ask the coordination groups to provide such information. The commission, in turn, will appropriately incorporate information provided by the agencies and the coordination groups into the commission's strategic plan.

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(d) Children and youths with multi-agency needs. For the purpose of this memorandum, a “child or youth with multi-agency needs” is a person who:

- (1) is less than 22 years old;
- (2) meets an agency’s statutory age-limitations for eligibility;
- (3) is now receiving services or has received them in the past; and
- (4) needs services that require interagency coordination.

(e) Interagency cost-sharing.

(1) The agencies agree to share the cost of providing needed services when:

(A) a coordination group confirms that a referring agency cannot provide all of the services needed; and

(B) the needed services are within the financial capabilities and statutory responsibilities of one or more of the other agencies.

(2) Cost-sharing includes, but is not limited to:

(A) provision of services by more than one agency; and

(B) provision of services by:

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(i) one or more agencies; and

(ii) one or more third parties under purchase-of-service contracts with one or more agencies.

(f) Eliminating duplication of services. Within the limits of existing legal authority, each coordination group must make reasonable efforts to eliminate duplication of services relating to the assessment and diagnosis, treatment, residential placement and care, and case management of children and youths with multi-agency needs. Each agency agrees to notify the governor's office about federal laws and regulations that cause duplication of services. Each agency also agrees to notify its board about rules that cause duplication of services, and to pursue amendments to state laws, rules, and policies when necessary to eliminate such duplication.

(g) Interagency dispute resolution.

(1) Each agency must designate a negotiator who is not a member of any coordination group to resolve disputes. The negotiator must have:

(A) decision-making authority over the agency's representative on the coordination group; and

(B) the ability to interpret policy and commit funds.

(2) When two or more members of a coordination group disagree about their respective agencies' service responsibilities, the coordination group must send the designated negotiators for those agencies written notification that a dispute exists. Within 45 days after receiving the written notification, the negotiators must confer together to resolve the dispute.

(3) When an interagency dispute cannot be resolved in the manner described in paragraph (2) of this subsection, the aggrieved party may refer the dispute to the Health and Human Services commissioner.

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(h) Composition of coordination groups. Each coordination group must include one appointed representative from each participating state agency, and as many as five local representatives from the private sector. The private-sector representatives must be selected by their peers from private-sector agencies serving youths in the geographical area the coordination group serves. The private-sector representatives have the same status as state-agency representatives. The organizations they represent are considered member agencies of the coordination group, and they are encouraged to present cases from the private sector.

(i) Case identification and referral. Each coordination group must implement the procedures for identifying and referring cases specified in the CRCG model. Any member of a coordination group may refer the case of any eligible child or youth to the coordination group if the referring member's agency cannot otherwise provide or arrange all the services the child or youth needs.

(j) Convening coordination group meetings. Any member of a coordination group may convene a coordination group meeting pursuant to subsection (i) of this section. Each coordination group must establish procedures for scheduling meetings.

(k) Permissible nonattendance. A member agency's representative may be excused from attending a coordination group meeting if the coordination group determines that the member agency's service responsibilities do not apply to the child or youth whose services will be discussed at the meeting.

(l) Sharing confidential information. The members of each coordination group must treat all information about children and youths discussed at the group's meetings as confidential. Each member agency must ensure that the coordination group complies with the agency's legal requirements concerning disclosure of confidential records and information. When necessary, compliance may include case-by-case documentation of all parties reviewing a child's or youth's records.

(m) Implementing this memorandum. The state CRCG advisory committee, which includes private sector representatives and one representative from each participating state agency, must develop and recommend to the commissioners and executive directors of the agencies a comprehensive plan to implement this memorandum.

(n) Adoption by rule and revision by unanimous consent. Pursuant to § 41.0011 of the Human Resources Code, each agency must adopt this memorandum by rule. The memorandum may be expanded, modified, or amended at any time by the unanimous written consent of the agencies.

**40 TAC § 702.409
Tex. Admin. Code tit. 40, § 702.409**

§ 702.409. Memorandum of Understanding Regarding Service Delivery to Dysfunctional Families

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(a) The Texas Department of Protective and Regulatory Services, the Texas Youth Commission, and the Texas Juvenile Probation Commission, hereinafter referred to as “the agencies,” agree to this memorandum of understanding (MOU) in compliance with Texas Human Resources Code § 53.001.

(b) By July 15 of every odd-numbered year, or within 30 days after the Governor of Texas signs a general appropriations act, whichever is later, each of the agencies will determine which portion, if any, of its funding to designate for serving its clients through the joint contract(s) specified in subsection (c) of this section. None of the agencies is obligated to enter into the joint contracts specified in subsection (c) of this section unless all of the agencies elect to do so.

(c) Beginning on September 1, 1990, and by September 1 every year thereafter in which the agencies decide to enter into the joint contracts specified in this subsection, the agencies will award one or more joint contracts for nonresidential community services to help dysfunctional families in each agency’s client population. At a minimum, each contract must include the following services:

(1) training in parenting skills;

(2) training in coping skills for youth, including communication, problem-solving, decision-making, and conflict-management skills;

(3) support groups for children of substance-abusing and dysfunctional families, and support groups for the children’s parents; and

(4) individual counseling for a limited number of clients referred from the support groups specified in paragraph (3) of this subsection during family crises.

(d) All joint contracts awarded under the provisions of this section must be publicized and awarded in conformity with all applicable requirements of Chapter 69 of this title (relating to Contracted Services).

(e) The agencies will ensure that contracted services are available to clients by September 1 of every fiscal year in which the agencies enter into the joint contracts specified in subsection (c) of this section.

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(f) The agencies initially adopted this section on September 11, 1990. The agencies will amend it whenever they agree to revisions.

(g) The agencies will meet at least once each year to review and consider revising this section before the beginning of the next fiscal year.

**40 TAC § 702.417
Tex. Admin. Code tit. 40, § 702.417**

§ 702.417. Memorandum of Understanding (MOU) Concerning Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities

The Texas Department of Protective and Regulatory Services adopts by reference 19 TAC § 89.1115, which contains the Memorandum of Understanding Concerning Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities, as authorized by the Texas Education Code, 29.012. The MOU addresses respective roles and responsibilities of participating agencies in the sharing of information about, and coordination of services to, students with disabilities receiving special education services that live in residential facilities.

**40 TAC § 702.421
Tex. Admin. Code tit. 40, § 702.421**

§ 702.421. Relocation Pilot Program

The Texas Department of Protective and Regulatory Services (PRS), the Texas Department of Human Services (DHS) and the Texas Department of Mental Health and Mental Retardation (MHMR) are required to enter into a Memorandum of Understanding (MOU) regarding the implementation of a pilot program for community-based alternatives for persons with disabilities, as provided under Human Resources Code (HRC), § 22.037 and § 22.038. PRS adopts by reference the DHS rule at 40 TAC § 72.104 (relating to Relocation Pilot Program), which contains the terms of the MOU for the pilot program. The MOU provides for interagency coordination and addresses the responsibilities of each agency in implementing the components of the pilot program.

**40 TAC § 702.425
Tex. Admin. Code tit. 40, § 702.425**

§ 702.425. Memorandum of Understanding concerning Interagency Cooperation for Continuity of Youth Care between the Department of Family and Protective Services (DFPS) and the Texas Youth Commission (TYC)

(a) Parties. The state agencies DFPS and TYC are the parties in this memorandum of understanding (MOU).

(b) Purpose. DFPS and TYC are required to jointly adopt rules to ensure that youth in the conservatorship of DFPS and who are committed to TYC or who are supervised or on parole with TYC receive the appropriate services.

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(c) Responsibilities of DFPS.

(1) Information to be Provided at the Time of Commitment. Unless previously provided and to the extent available, DFPS will provide the following records to TYC upon commitment of a youth who is in DFPS conservatorship at the time of commitment:

(A) medical history information in DFPS records that are relevant to the youth's medical care, including, to the extent available, the medical records of the youth's last physical, last dental check-up, last vision and hearing screening, medication currently prescribed, current immunization records, and any other records needed to ensure the youth receives appropriate medical treatment;

(B) records documenting any current mental health treatment and counseling needs;

(C) records documenting any current treatment needs for drug and alcohol abuse or sex offender treatment;

(D) name and contact information of the medical consenter and alternative medical consenter for the youth; to be updated within 24 hours of any change in medical consenter or alternative medical consenter;

(E) the youth's current CPS service plan, placement summary from the youth's last caretaker, if any, and the name and contact information of the youth's attorney ad litem, guardian ad litem, or CASA, if any; and

(F) the youth's current academic achievement records, education portfolio, and current education plan.

(2) Coordination of Services for Youth under TYC Commitment or Supervised Release/Parole. DFPS will ensure that the youth's CPS caseworker or other appropriate CPS personnel will do the following in order to facilitate coordinated planning and appropriate service of any youth committed to TYC or under TYC supervised release or parole:

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(A) provide TYC with the name and contact information for the youth's CPS caseworker, including timely notice of any changes in such information;

(B) provide TYC with at least 20 days advance notice of the date, time and location of any scheduled permanency hearing or placement review hearing conducted under Chapter 263, Family Code;

(C) notify TYC regarding any special issues that may arise relating to the youth's physical or mental health or relating to the youth's need for counseling or treatment, including drug or alcohol abuse treatment or sex offender treatment;

(D) contact the youth's TYC caseworker at least once each month and more often if necessary to confer regarding the youth's general welfare and any special issues relating to the youth;

(E) coordinate with TYC in the development of the youth's DFPS plan of service and any plans of service or case plans developed by TYC for the youth;

(F) visit the youth in person at least once per month;

(G) notify TYC within 5 calendar days of any change in placement made by DFPS or ordered by the family law court for youth no longer committed to TYC, but who is still on parole or supervision with TYC;

(H) attend any non-routine medical appointments for the youth and participate in writing or by telephone regarding routine medical appointments when DFPS is the youth's medical consentor;

(I) attend any TYC hearings involving the youth to the extent practicable;

(J) notify TYC of any special educational issues or meetings, including a scheduled Admission, Review or Dismissal meeting or § 504 of the Rehabilitation Act meeting for a youth who is released under TYC supervision or parole;

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(K) participate and coordinate with TYC in any transition planning at the time of the youth's discharge from detention, TYC commitment, or supervised release or parole;

(L) coordinate with TYC in the development of the youth's transitional living plan, including Preparation for Adult Living (PAL) program services while in TYC, as well as inform transition-age youth of other benefits they may be entitled to as they exit CPS care, including but not limited to the transitional living allowance, aftercare room and board assistance, Education and Training Voucher Program, and tuition and fee waiver; and

(M) notify TYC of the youth's adoption or any transfer of managing conservatorship from the department to another individual.

(3) Security Provision. All DFPS employees who visit any TYC facility will comply with that facility's security regulations.

(d) Responsibilities of TYC.

(1) Obligation to Provide General Information to DFPS Regarding Youth Committed to TYC. For youth committed to TYC, TYC will ensure that the youth's TYC caseworker or other TYC personnel, as appropriate, will provide the youth's CPS caseworker with the following information, to be updated on a timely basis as information changes:

(A) information regarding the youth's current medical care needs;

(B) clinical information relating to any trauma the youth has experienced in a TYC placement;

(C) information regarding the youth's mental health and counseling needs or treatment, including sex offender treatment or drug or alcohol treatment;

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(D) a copy of the youth's individual case plan;

(E) name and contact information for the youth's educational surrogate parent;

(F) a copy of the youth's academic achievement records;

(G) a copy of the youth's re-entry and re-integration plan; and

(H) upon release of the youth, a copy of all of the youth's medical records for inclusion in the youth's medical passport maintained by DFPS.

(2) Notice of Medical Appointments for Youth Committed to TYC. TYC or TYC's medical contractor will provide advance notice of all routine and non-routine medical appointments to the youth's medical consentor and will contact the medical consentor immediately to obtain consent for any non-routine medical care requiring consent for treatment.

(3) Notice of Significant Events for Youth Committed to TYC or under TYC supervised release or parole. TYC will provide timely notice to the youth's CPS caseworker, and any current attorney ad litem, guardian ad litem or CASA of the following events relating to any youth committed to TYC or under TYC supervised release or parole:

(A) any meetings to develop or revise the youth's TYC individual case plan;

(B) any grievance or disciplinary hearings;

(C) any education meetings, including a scheduled Admission, Review, or Dismissal meeting or § 504 of the Rehabilitation Act meeting for a youth receiving special education services;

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(D) a report of alleged abuse or neglect of the youth; and

(E) a significant medical condition of the youth, as defined by § 266.005, Family Code.

(4) Coordination of Services for Youth Committed to TYC or under TYC supervised release or parole. TYC will ensure that the youth's TYC caseworker or other appropriate TYC personnel will do the following in order to facilitate coordinated planning and appropriate services of any youth committed to TYC or under TYC supervised release or parole:

(A) provide DFPS with the name and contact information for the youth's TYC caseworker, including timely notice of any changes to the youth's TYC caseworker or contact information;

(B) contact the youth's CPS caseworker at least once each month and more often if necessary to confer regarding the youth's progress and any special issues relating to the youth;

(C) coordinate with the youth's CPS caseworker in the development of any DFPS plan of service for the youth and case plans developed by TYC for the youth;

(D) no later than 15 days prior to any scheduled permanency hearing or placement review hearing conducted under Chapter 263, Family Code, provide the youth's CPS caseworker with a written case report regarding the youth's progress in any rehabilitation programs administered by or on behalf of TYC;

(E) make arrangements for the youth's attendance in person, by telephone, or by videoconference in any permanency hearing or placement review hearing conducted under Chapter 263, Family Code, unless the youth's attendance has been excused by the court;

(F) attend any permanency hearing or placement review hearing conducted under Chapter 263, Family Code regarding the youth, to the extent practicable;

(G) notify the youth's CPS caseworker within 24 hours of any change in placement for youth committed to TYC;

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(H) permit the youth's CPS caseworker to communicate with the youth, including in person visits at least once each month and more often if necessary;

(I) provide advance notice to the youth's CPS caseworker of any TYC court hearings involving the youth to the extent practicable; and

(J) coordinate with the youth's CPS caseworker in any community re-integration planning at the time of the youth's discharge from commitment, detention, or supervised release or parole.

(e) Relief of obligations. If either party is prohibited by state or federal law from providing any information under this rule or from taking any other action of this rule, the parties will be relieved of such obligation. If any provision under this rule is declared void as a matter of law, the parties will continue to abide by the remaining provisions.

(f) Confidentiality. To the extent required by state and federal law, each party agrees to keep the information obtained from the other party confidential. Both parties agree to comply with relevant confidentiality and security policies of the other agency. Sharing of any confidential information between the parties pursuant to this rule does not serve to waive or affect the confidential nature of the information for purposes of state or federal law.

(g) Conflicts. To the extent this rule conflicts with any agreements between TYC and DFPS, this rule shall take precedence unless and until it is amended.

40 TAC § 702.601

Tex. Admin. Code tit. 40, § 702.601

§ 702.601. What is the purpose of this subchapter?

This subchapter contains DFPS policies on employee eligibility to participate in training and education programs, and on employee obligations upon receipt of training and education.

40 TAC § 702.605

Tex. Admin. Code tit. 40, § 702.605

§ 702.605. What is DFPS's policy on training?

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DFPS encourages the professional development of all staff through training and education programs. Subject to the availability of funds, DFPS is authorized to fund costs for training and education in accordance with the State Employees Training Act, Texas Government Code, §§ 656.041-656.049.

**40 TAC § 702.609
Tex. Admin. Code tit. 40, § 702.609**

§ 702.609. Can the training or education be on any topic?

No. Training or education must be related to the employee's current duties or prospective duties.

**40 TAC § 702.613
Tex. Admin. Code tit. 40, § 702.613**

§ 702.613. Can an employee be required to attend training or education?

Yes, if the training or education is related to the employee's duties or prospective duties.

**40 TAC § 702.617
Tex. Admin. Code tit. 40, § 702.617**

§ 702.617. When does DFPS provide educational or technical training?

(a) DFPS may provide training for an employee if the executive director or his designee determines that the training will:

(1) enhance the employee's ability to perform his current job duties, or enable the employee to perform prospective job duties; or

(2) benefit both DFPS and the employee by:

(A) providing the employee with opportunities to meet professional development requirements;

(B) providing greater employee career planning choices; or

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(C) introducing new, more efficient technologies to DFPS.

(b) DFPS may pay for the salary, tuition and other fees, travel and living expenses, training stipend, expense of training materials, and other expenses of an instructor, student, or other participant in a training or education program.

(c) Approval to participate in a training or education program is subject to the availability of funds within the DFPS budget, and supervisory approval.

**40 TAC § 702.618
Tex. Admin. Code tit. 40, § 702.618**

§ 702.618. Does DFPS provide an incentive program for employees who provide adult protective services to obtain professional credentials related to adult protective services?

Yes. Subject to the availability of funds, DFPS provides incentives in the form of training time and reimbursement for some educational expenses for employees who are enrolled in undergraduate or graduate programs leading to a professional credential related to adult protective services.

**40 TAC § 702.621
Tex. Admin. Code tit. 40, § 702.621**

§ 702.621. What is the employee's obligation to DFPS after completing education or training?

(a) An employee who completes education or training for which DFPS provided all or part of the required fees may be required to:

(1) remain employed with DFPS for a specified period; and

(2) consult, instruct, or assist in disseminating the information acquired from training and education to other employees.

(b) If an employee receives training or education paid for by DFPS that is covered by the Texas Government Code, Chapter 656, Subchapter D, and the employee does not perform his regular duties for three or more months in order to obtain the training, the employee must:

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(1) work for DFPS following the training for at least one month for each month of the training period; or

(2) pay DFPS for all the costs associated with the training that were paid by DFPS during the training period, including any of the employee's salary that was paid and not accounted for as paid vacation or compensatory leave; and

(3) sign a written acknowledgment and acceptance of the requirements specified in paragraphs (1) and (2) of this subsection.

(c) If an employee does not provide the services required in subsection (b)(1) of this section, provides those services for less than the required time, or fails to make payments required in subsection (b)(2) of this section, the employee is liable for the costs described in subsection (b)(2) of this section, and for expenses incurred by DFPS in obtaining payment, including reasonable attorney fees.

40 TAC § 702.801

Tex. Admin. Code tit. 40, § 702.801

§ 702.801. What is the Ombudsman Office?

(a) The Ombudsman Office of PRS is a neutral party that reviews complaints regarding case-specific activities of the PRS program areas to determine if PRS's policies and procedures were followed. The complaint process is described in Division 2 of this subchapter (relating to Ombudsman Complaint Process).

(b) The Ombudsman Office also conducts reviews of case-specific findings that designate an individual as an alleged perpetrator of abuse, neglect, or exploitation. The review process is described in Division 3 of this subchapter (relating to Ombudsman Office Review of Alleged Perpetrator Designation).

40 TAC § 702.811

Tex. Admin. Code tit. 40, § 702.811

§ 702.811. How can a member of the public find out about the complaint process?

PRS publicizes the availability of the complaint process and the mailing address and telephone number to which complaints should be sent through:

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(1) signs displayed in PRS offices;

(2) Ombudsman Office brochures;

(3) the PRS public web site. The address is <http://www.tdprs.state.tx.us>; and

(4) other methods determined by PRS.

**40 TAC § 702.813
Tex. Admin. Code tit. 40, § 702.813
§ 702.813. Who may file complaints?**

The Ombudsman Office complaint process is available to:

(1) consumers, service recipients, and persons or entities regulated by PRS;

(2) other state agencies;

(3) state and federal legislative and executive offices; and

(4) PRS employees, if the complaint alleges a violation of PRS policy in a case-specific situation.

**40 TAC § 702.815
Tex. Admin. Code tit. 40, § 702.815**

§ 702.815. Who may not file complaints with the Ombudsman Office?

The complaint process is not available:

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(1) to individuals who have been identified as alleged perpetrators of abuse, neglect, or exploitation. Those individuals must use procedures specified in Division 3 of this subchapter (relating to Ombudsman Office Review of Alleged Perpetrator Designation), unless the complaint relates to issues other than the case disposition; or

(2) for complaints the Ombudsman Office has reviewed multiple times and has made all reasonable efforts within agency policy and procedures to resolve.

**40 TAC § 702.817
Tex. Admin. Code tit. 40, § 702.817**

§ 702.817. How does a complainant file a complaint?

Direct case-specific complaints concerning PRS to the Ombudsman Office, Texas Department of Protective and Regulatory Services, Mail Code Y-946, P.O. Box 149030, Austin, Texas 78714-9030, or call 1-800-720-7777, or send a facsimile to the Ombudsman Office at 512-834-3782, or contact the Ombudsman Office using the PRS public web site. The address is: <http://www.tdprs.state.tx.us>.

**40 TAC § 702.819
Tex. Admin. Code tit. 40, § 702.819**

§ 702.819. Must a complainant go through another agency complaint process before contacting the Ombudsman Office?

No. Although PRS encourages complaint resolution at the local level, a complainant may file a complaint with the Ombudsman Office at any time, without going through another agency process for complaint resolution.

**40 TAC § 702.821
Tex. Admin. Code tit. 40, § 702.821**

§ 702.821. How does a complainant know if the Ombudsman Office received the complaint?

(a) The Ombudsman Office acknowledges receipt of each complaint and informs the complainant whether the complaint meets the criteria for an Ombudsman Office complaint.

(b) A complaint may be accepted initially and later refused if subsequent investigation or developments determine that the complaint is no longer appropriate for the Ombudsman Office.

**40 TAC § 702.823
Tex. Admin. Code tit. 40, § 702.823**

§ 702.823. How does the complaint process work?

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(a) The Ombudsman Office reviews complaints to determine whether PRS's policies and procedures were followed. When the subject of the complaint is an issue in ongoing or forthcoming litigation, or is the subject of a law enforcement investigation or criminal prosecution, the Ombudsman Office does not interfere with the ongoing litigation or law enforcement investigation.

(b) The Ombudsman Office notifies the complainant of the Ombudsman findings, within the limits of confidentiality required by the Texas Open Records Act and the Texas Family Code. If the complaint is in writing and relates to a permit holder or entity regulated by PRS or a service delivered by PRS, the Ombudsman Office notifies the parties to the complaint on a quarterly basis of the status of the complaint, unless the notice will jeopardize an undercover investigation.

(c) If the Ombudsman Office determines that PRS's policies and procedures were not followed, the Ombudsman Office notifies appropriate agency staff so appropriate corrective measures can be taken.

(d) The Ombudsman Office keeps a file for each complaint concerning a PRS permit holder, entity regulated by PRS, and PRS service. The electronic file is maintained continuously. Paper copies of the records are archived annually and purged every five years.

**40 TAC § 702.825
Tex. Admin. Code tit. 40, § 702.825**

§ 702.825. What are the reporting requirements of the Ombudsman Office?

The Ombudsman Office prepares and delivers a report annually to the PRS Board and executive director regarding the number, type, and resolution of complaints made against PRS.

**40 TAC § 702.841
Tex. Admin. Code tit. 40, § 702.841**

§ 702.841. Who can request an Ombudsman Office Review of alleged perpetrator designation?

(a) Anyone who has been determined to be a perpetrator of abuse, neglect, or exploitation as a result of an investigation conducted by the Child Protective Services Program of PRS can request an Ombudsman Office Review. The individual must use the Administrative Review of Investigative Findings process offered by the Child Protective Services Program before the individual is eligible for the Ombudsman Office Review.

(b) An Ombudsman Office Review is not available if PRS determines that a court of competent jurisdiction has issued an order that is legally consistent with the PRS finding on the allegation of abuse, neglect, or exploitation for which the Review was requested.

40 TAC § 702.843

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Tex. Admin. Code tit. 40, § 702.843

§ 702.843. Are there timeframes for requesting the Ombudsman Office Review?

Yes. Except for good cause determined by the Ombudsman Office director, an individual must request an Ombudsman Office Review in writing within 30 days after the date the Administrative Review of Investigative Findings (ARIF) notification letter was sent. The Review request must be sent to the Ombudsman Office, Texas Department of Protective and Regulatory Services, Mail Code Y-946, P.O. Box 149030, Austin, Texas 78714-9030. The Review request may also be sent by facsimile to the Ombudsman Office at 512-834-3782, or by contacting the Ombudsman Office using the PRS public web site. The address is: <http://www.tdprs.state.tx.us>.

40 TAC § 702.845

Tex. Admin. Code tit. 40, § 702.845

§ 702.845. How does a requester know if the Ombudsman Office received the request?

The Ombudsman Office acknowledges receipt of the request in writing within 30 days from the date the request is received.

40 TAC § 702.847

Tex. Admin. Code tit. 40, § 702.847

§ 702.847. How does the Ombudsman Office Review work?

(a) The Ombudsman Office reviews:

(1) the program case record;

(2) the Administrative Review of Investigation Findings documents; and

(3) additional information that was available during the original investigation and either was considered or should have been considered by staff performing the investigation. Only in extraordinary circumstances, at the discretion of the Ombudsman Office director, will new information be considered in the Ombudsman Office Review.

(b) The Ombudsman Office determines whether an interview with the requester is needed to facilitate the Review process.

40 TAC § 702.849

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 702. General Administration _Subchapter A. Introduction

Tex. Admin. Code tit. 40, § 702.849

§ 702.849. What happens when the Ombudsman Office completes the Review?

After completing the Review, the Ombudsman Office prepares written findings and recommendations.

(1) If the Ombudsman Office findings sustain the Administrative Review of Investigation Findings (ARIF), the Ombudsman Office director notifies the requester of the final disposition of the case.

(2) If the Ombudsman Office does not concur with the ARIF, the ARIF documents and Ombudsman Office Review materials are forwarded to the program deputy director or his designee for consideration. The Ombudsman Office director and staff meet with the program deputy director or the director's designee to examine the evidence to reach concurrence on the case finding.

(A) If concurrence is reached, the Ombudsman Office forwards a notification letter to the requester advising the requester of the findings.

(B) If the Ombudsman Office and the program deputy director do not agree, the case is forwarded to PRS's general counsel, who reviews the case and makes recommendations to PRS's executive director for final disposition. The executive director or the director's designee then notifies the requester of the final case disposition.

40 TAC § 702.1001

Tex. Admin. Code tit. 40, § 702.1001

§ 702.1001. How does PRS ensure nondiscrimination in employment practices?

PRS maintains a central office responsible for ensuring compliance with federal and state laws pertaining to nondiscrimination in employment practices and in the provision of services to the public. PRS maintains policy and procedure to ensure said compliance in formats accessible to both employees and the general public.

40 TAC § 702.1201

Tex. Admin. Code tit. 40, § 702.1201

§ 702.1201. What is the purpose of this subchapter?

The rules in this subchapter govern the agency's assignment and use of agency-owned vehicles.

40 TAC § 702.1203

Tex. Admin. Code tit. 40, § 702.1203

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 702. General Administration _Subchapter A. Introduction

§ 702.1203. What policies and procedures govern the assignment and use of agency-owned vehicles?

(a) The PRS Business Services division is responsible for the development and implementation of agency policies and procedures, which must be consistent with the State Vehicle Fleet Management Plan adopted by the Office of Vehicle Fleet Management of the Building and Procurement Commission, as well as all other applicable state and federal laws.

(b) It is the policy of PRS that each agency vehicle will be assigned to the agency motor pool and be available for checkout, except as otherwise provided in this section.

(c) An agency-owned vehicle may be assigned to an individual employee on a regular or everyday basis only if the agency makes a written finding that the assignment is critical to the needs and mission of the agency.