

40 TAC § 745.9060
Tex. Admin. Code tit. 40, § 745.9060

§ 745.9060. What is a social study?

(a) A social study is an evaluative process through which information and recommendations regarding adoption of a child, conservatorship of a child, or possession of or access to a child may be made to a court, the parties, and the parties' attorneys.

(b) A social study must contain documentation of the following elements:

(1) A personal interview with each party to the suit;

(2) An interview, conducted in a developmentally appropriate manner, of each child at issue in the suit who is at least four years old;

(3) Observation of each child at issue in the suit, regardless of the age of the child;

(4) Information obtained from relevant collateral sources;

(5) Evaluation of the home environment of each party seeking conservatorship of, possession of, or access to the child at issue in the suit, unless the condition of the home environment is identified as not being in dispute in the court order requiring the social study;

(6) For each individual residing in a home subject to evaluation, consideration of any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect;

(7) Assessment of the relationship between each child at issue in the suit and each party seeking

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conservatorship of, possession of, or access to the child;

(8) The name, license number, and basis for qualification under § 745.9065 of this title (relating to What qualifications must I meet to conduct a social study?) of each person who conducted any portion of the social study; and

(9) Telephone numbers for entities where it is appropriate for the subject of the social study to file complaints about how the social study was conducted (see § 745.9100 of this title (relating to Whom must I contact with a complaint about how an independent social study was conducted?)).

(c) A social study may also contain the following elements:

(1) Balanced interviews and observation of each child at issue in the suit, so a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;

(2) An interview of each individual residing in a home subject to the evaluation; and

(3) Evaluation of the home environment of each party seeking conservatorship of, possession of, or access to the child at issue in the suit, regardless of whether the home environment is in dispute.

(d) The person(s) conducting a social study may not offer an opinion regarding conservatorship of, possession of, or access to the child at issue in a suit unless each element of a social study under subsection (b) of this section has been completed. A social study evaluator shall identify in the report any additional element of a social study under subsection (c) of this section that was not completed and shall explain the reasons that the element was not completed.

(e) A pre-adoptive social study or post-placement adoptive social study must also comply with all other relevant rules of this subchapter.

40 TAC § 745.9061
Tex. Admin. Code tit. 40, § 745.9061

§ 745.9061. What is a pre-adoptive social study?

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A pre-adoptive social study is conducted for a child who is being adopted. The social study contains documentation of the following:

- (1) Interviews with adoption applicants, their families, and collateral contacts as necessary;
- (2) Information obtained through review of documents, reports, and inspections;
- (3) Assessment of the information obtained to determine whether applicants meet the requirements for approval as adoptive families;
- (4) Evaluation of the information obtained in order to make recommendations about the family's capacity for adoption, including the age, number, sex, and special needs of the children the family has the capacity to parent; and
- (5) Assessment of basic care and safety issues, including safety of the environment of the adoptive home.

**40 TAC § 745.9063
Tex. Admin. Code tit. 40, § 745.9063**

§ 745.9063. What is a post-placement adoptive social study and report?

A post-placement adoptive social study and report is required after the placement of the child. It is a written summary of all of the information and assessments regarding the child and the family, including the pre-adoptive social study, and a written evaluation regarding the:

- (1) Child;
- (2) Prospective adoptive parent(s);
- (3) Family of the prospective adoptive parent(s);

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(4) Environment of the prospective adoptive parent(s) and their family; and

(5) Adjustment of all individuals to the placement.

40 TAC § 745.9065
Tex. Admin. Code tit. 40, § 745.9065

§ 745.9065. What qualifications must I meet to conduct a social study?

(a) Each person conducting any portion of a social study must have qualifications that meet one of the following options:

(1) Bachelor's degree from an accredited college or university in a human services field and a license to practice in Texas as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) Have two years of full-time experience or equivalent part-time experience under professional supervision during which the individual performed functions involving the evaluation of physical, intellectual, social, and psychological functioning and needs and the potential of the social and physical environment, both present and prospective, to meet those needs; and

(B) Have participated in the performance of at least 10 court-ordered social studies under the supervision of an individual qualified under this section;

(2) Meet the requirements of paragraph (1)(A) of this subsection and be practicing under the direct supervision of an individual qualified under this section in order to complete at least 10 court-ordered social studies under supervision; or

(3) Be employed by a domestic relations office, provided that the individual conducts social studies relating only to families ordered by a court to participate in social studies conducted by the office.

(b) In subsection (a) of this section, the following terms are defined as follows:

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(1) "Full-time experience" means a period during which an individual works at least 30 hours per week.

(2) "Human services field of study" means a field of study designed to prepare an individual in the disciplined application of counseling, family therapy, psychology, or social work values, principles, and methods.

(c) In addition to the qualifications in subsection (a) of this section, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct a social study.

(d) The minimum qualifications prescribed in subsections (a) and (c) of this section do not apply to an individual conducting a social study:

(1) In connection with a suit pending before a court located in a county with a population of less than 500,000;

(2) In connection with an adoption governed by rules adopted under § 107.0519(a) of the Texas Family Code;

(3) As an employee or other authorized representative of a licensed child-placing agency;

(4) As an employee or other authorized representative of the Department of Family and Protective Services;

(5) If no individuals meeting these qualifications are available in a county, and the court determines the individual to be otherwise qualified to conduct the study; or

(6) Who meets the training and continuing education requirements set forth in subsection (e) of this section and who did the following before September 1, 2007:

(A) Lived in a county that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more;

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(B) Received a four-year degree from an accredited institution of higher education;

(C) Worked as a child protective services investigator for the Department of Family and Protective Services for at least four years;

(D) Worked as a community supervision and corrections department officer; and

(E) Conducted at least 100 social studies in the previous five years.

(e) A person described by subsection (d)(6) of this section must:

(1) Complete at least eight hours of family violence dynamics training provided by a family violence service provider; and

(2) Participate annually in at least 15 hours of continuing education for child custody evaluators that meets the Model Standards of Practice for Child Custody Evaluation adopted by the Association of Family and Conciliation Courts as those standards existed May 1, 2009, or a later version of those standards if adopted by rule of the executive commissioner of the Health and Human Services Commission.

(f) Persons conducting a pre-adoptive home screening or post-placement adoptive report as an employee or other authorized representative of a licensed child-placing agency must comply with all requirements of Chapter 749 of this title (relating to Child Placing Agencies).

(g) Subsections (d)(6) and (e) of this section expire on September 1, 2017.

40 TAC § 745.9067
Tex. Admin. Code tit. 40, § 745.9067

§ 745.9067. How does a person conducting a social study assess situations, reach conclusions, and make recommendations for the social study?

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(a) To the extent possible, a person conducting a social study shall verify each statement of fact pertinent to a social study and shall note the sources of verification and information in the study.

(b) To the extent possible, a person conducting a social study shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.

(c) A person conducting a social study shall state the basis for his conclusions or recommendations in the study. A person conducting a social study who has evaluated only one side of a disputed case shall refrain from making a recommendation regarding conservatorship of a child or possession of or access to a child, but may state whether the party evaluated appears to be suitable for conservatorship, possession, or access.

**40 TAC § 745.9068
Tex. Admin. Code tit. 40, § 745.9068**

§ 745.9068. What ethical requirements must I follow when conducting a social study?

(a) A person's actions while conducting a social study must conform with the person's professional standard of care applicable to the person's licensure and any additional administrative rules, ethical standards, or guidelines adopted by the state agency that licenses the person, unless otherwise directed by a court or prescribed by a rule in this subchapter.

(b) A person conducting a social study shall disclose to each attorney of record any communication regarding a substantive issue between himself and an attorney of record representing a party in a disputed suit. This subsection does not apply to a communication between a person conducting a social study and an attorney ad litem or amicus attorney.

(c) A person conducting a social study must not have a conflict of interest with any party in a disputed suit. A conflict of interest includes any previous knowledge of any party that was not exclusively obtained through a social study. If a conflict exists, then you must:

(1) Decline to conduct the social study for the suit; or

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Section 162.0025 of the Texas Family Code prohibits any person conducting a pre-adoptive social study from considering membership in the armed forces of the United States, Texas National Guard, National Guard in another state, or in a reserve component of the armed forces of the United States as a negative factor in determining whether the adoptive parent would be a suitable parent or whether an adoption is in the best interests of the child.

40 TAC § 745.9071

Tex. Admin. Code tit. 40, § 745.9071

§ 745.9071. How do I obtain a criminal history background check, a central registry background check, or an investigative report regarding abuse and neglect for an independent pre-adoptive social study?

(a) You obtain a criminal history check from the Texas Department of Public Safety and, if appropriate, the Federal Bureau of Investigation (FBI).

(b) You obtain a central registry background check from us by contacting our local branch office.

(c) You can obtain from us a complete, unredacted copy of any investigative report as provided by Texas Family Code § 107.05145 by completing the request form that is available on the DFPS public website.

40 TAC § 745.9073

Tex. Admin. Code tit. 40, § 745.9073

§ 745.9073. Whom must I interview when conducting a pre-adoptive social study?

Interviews for a pre-adoptive social study must include at least one:

(1) Individual interview with each prospective adoptive parent;

(2) Individual interview with each child four years or older living in the home either full or part time;

(3) Individual interview with any other person living full or part time with the family;

(4) Joint interview with the adoptive applicants;

(5) Family group interview with family members living in the home; and

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(6) Interview, by telephone, in person or by letter, with any minor child 12 years old or older or adult child of the adoptive applicants not living in the home. If you cannot reach an adult child to interview, you must document your diligent efforts.

40 TAC § 745.9075
Tex. Admin. Code tit. 40, § 745.9075

§ 745.9075. What must I document regarding interviews that I conduct for a pre-adoptive social study?

You must document all interviews and attempts to complete interviews. The documentation must be part of the adoptive home record and include:

- (1) The dates and methods used to contact the required persons;
- (2) The dates of each interview;
- (3) Who was present at each interview and their relationship to the adoptive applicants; and
- (4) A summary of each interview.

40 TAC § 745.9077
Tex. Admin. Code tit. 40, § 745.9077

§ 745.9077. What are the requirements for visiting the home during a pre-adoptive social study?

- (a) You must visit the home at least once.
- (b) All members of the household must be present for the visit, unless the foster care family that is providing foster care to the child prior to the consummation of the adoption is the family that is adopting the child.
- (c) You must document in the record the date, persons present, their relationship to the prospective adoptive family, and observations made during the visit.

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40 TAC § 745.9079
Tex. Admin. Code tit. 40, § 745.9079

§ 745.9079. What are the additional requirements for a pre-adoptive social study if adoptive applicants previously adopted a child from a child-placing agency or were previously foster parents for a child-placing agency?

(a) You must request information related to the parents' experience and performance as foster and/or adoptive parents from the child-placing agency and any background information regarding the foster home as described in § 749.2447(22) of this title (relating to What information must I obtain for the foster home screening?).

(b) If provided, you must evaluate the information as part of your social study and placement decisions regarding the home. You must use the information to evaluate the family's ability to work with specific kinds of behaviors and backgrounds.

40 TAC § 745.9081
Tex. Admin. Code tit. 40, § 745.9081

§ 745.9081. Must the pre-adoptive social study include information about birth parents?

You must obtain the following information about the birth parents:

(1) Their expectations for adoptive placement, if they chose placement; and

(2) The degree and type of involvement they desire with the adoptive family.

40 TAC § 745.9083
Tex. Admin. Code tit. 40, § 745.9083

§ 745.9083. How do I obtain information about the birth parents?

If you are conducting an independent pre-adoptive social study, you must make a diligent effort to obtain the information from the birth parents unless their parental rights have been terminated. Document in the pre-adoptive social study all your efforts to obtain the information. If appropriate, include reasons why you could not obtain the information.

40 TAC § 745.9085
Tex. Admin. Code tit. 40, § 745.9085

§ 745.9085. What happens if a child is not placed with the adoptive applicants within six months after the pre-adoptive social study has been completed?

For a child not placed with the adoptive applicants within six months after the completion of the adoptive social study, it is recommended that an updated social study be completed within the 30-day period before a child is placed in the home. The court that is hearing the adoption suit should make the final decision on whether an update is

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required.

40 TAC § 745.9087
Tex. Admin. Code tit. 40, § 745.9087

§ 745.9087. Must I complete a pre-adoptive social study update if the prospective adoptive parents plan to adopt another child?

Yes. If prospective adoptive parents plan to adopt another child, either in addition to or instead of the child for whom the social study was done, you must complete a written pre-adoptive social study update.

40 TAC § 745.9089
Tex. Admin. Code tit. 40, § 745.9089

§ 745.9089. What information must an update of the pre-adoptive social study include?

It must include:

(1) A review and any necessary updating of each category of information in the pre-adoptive social study (See § 745.9069 of this title (relating to What information must be included in the pre-adoptive social study?)); and

(2) Documentation of at least one visit to the adoptive home, including who was present during the visit. This visit should be within the 30-day period before a child is placed in the home.

40 TAC § 745.9090
Tex. Admin. Code tit. 40, § 745.9090

§ 745.9090. Can the pre-adoptive social study and post-placement adoptive social study and report be combined?

Yes. In a suit filed after the child is placed in the prospective adoptive home, the pre-adoptive social study and post-placement adoptive social study and report may be combined in a single study. However, the combined study must be completed after the child is placed in the home, and the combined study must meet the requirements of this subchapter for both studies.

40 TAC § 745.9091
Tex. Admin. Code tit. 40, § 745.9091

§ 745.9091. When must I conduct a post-placement adoptive social study and report?

You must conduct the interviews for a post-placement adoptive social study and report after the child has resided with the prospective adoptive parent or conservator for at least five months, unless otherwise directed by the court. However, you may start the post-placement adoptive social study and report, such as the gathering of written information, after the placement of the child.

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**40 TAC § 745.9092
Tex. Admin. Code tit. 40, § 745.9092**

§ 745.9092. What issues must an interview for a post-placement adoptive social study and report address?

Each interview must focus on the adjustment of the family and the child following the placement of the child. You must also address any items required by § 745.9061 of this title (relating to What is a pre-adoptive social study?) and § 745.9069 of this title (relating to What information must be included in the pre-adoptive social study?) that have not been adequately addressed.

**40 TAC § 745.9093
Tex. Admin. Code tit. 40, § 745.9093**

§ 745.9093. How do I obtain a criminal history background check, a central registry background check, or an investigative report regarding abuse and neglect for an independent post-placement adoptive social study and report?

(a) You obtain a criminal history check from the Texas Department of Public Safety and, if appropriate, the Federal Bureau of Investigation (FBI).

(b) You obtain a central registry background check from us by contacting our local branch office.

(c) You can obtain from us a complete, unredacted copy of any investigative report as provided by Texas Family Code § 107.05145 by completing the request form that is available on the DFPS public website.

**40 TAC § 745.9094
Tex. Admin. Code tit. 40, § 745.9094**

§ 745.9094. Whom must I interview when conducting a post-placement adoptive social study and report?

Interviews for a post-placement adoptive social study and report must include at least one:

(1) Individual interview with each prospective adoptive parent;

(2) Individual interview with each child four years or older living full- or part-time in the home;

(3) Individual interview with any other person living full- or part-time in the home;

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(4) Joint interview with the adoptive applicants;

(5) Family group interview with family members living in the home; and

(6) Interview, by telephone, in person or by letter, with any minor child 12 years old or older or adult child of the adoptive applicants not living in the home. If you cannot reach an adult child to interview, you must document your diligent efforts.

**40 TAC § 745.9095
Tex. Admin. Code tit. 40, § 745.9095**

§ 745.9095. What must I document regarding interviews that I conduct for a post-placement adoptive social study and report?

You must document all interviews and attempts to complete interviews. The documentation must be part of the adoptive home record and include:

(1) The dates and methods used to contact the required persons;

(2) The date of each interview;

(3) Who was present at each interview and their relationship to the adoptive applicants; and

(4) A summary of each interview.

**40 TAC § 745.9096
Tex. Admin. Code tit. 40, § 745.9096**

§ 745.9096. What are the requirements for visiting the home during a post-placement adoptive social study and report?

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(a) You must visit the home at least once.

(b) All members of the household must be present for the visit, unless the foster care family that is providing foster care to the child prior to the consummation of the adoption is the family that is adopting the child.

(c) You must document in the record the date, persons present, their relationship to the prospective adoptive family, and observations made during the visit.

**40 TAC § 745.9097
Tex. Admin. Code tit. 40, § 745.9097**

§ 745.9097. What information must the post-placement adoptive social study and report include?

(a) It must include the following documented information:

(1) A summary of all assessments and available information about the child who is the subject of a petition for adoption, including:

(A) Health history, social history, educational history, genetic and family history, and other information required by the Texas Family Code, § 162.005 and § 162.007;

(B) History of physical, sexual, or emotional abuse experienced by the child;

(C) History of any previous placements, including the date and reasons for placement;

(D) The child's understanding of adoptive placement or conservatorship; and

(E) The child's legal status;

(2) A summary of all assessments, interviews, and available information about the prospective adoptive parents

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including:

(A) The pre-adoptive social study (see § 745.9061 of this title (relating to What is a pre-adoptive social study?) and § 745.9069 of this title (relating to What information must be included in the pre-adoptive social study?));

(B) The birth parents' expectations for adoptive placement and further involvement (see § 745.9081 of this title (relating to Must the pre-adoptive social study include information about birth parents?));

(C) Individual strengths and weaknesses of the adoptive parents;

(D) Observations made relative to the family's interactions with each other;

(E) Interviews of persons specified in § 745.9073 of this title (relating to Whom must I interview when conducting a pre-adoptive social study?) and § 745.9094 of this title (relating to Whom must I interview when conducting a post-placement adoptive social study and report?); and

(F) Visits to the home (see § 745.9077 of this title (relating to What are the requirements for visiting the home during a pre-adoptive social study?) and § 745.9096 of this title (relating to What are the requirements for visiting the home during a post-placement adoptive social study and report?));

(3) An evaluation of the child's present or prospective physical, intellectual, social, and psychological functioning and needs, and whether the environment will meet those needs;

(4) A summary of the adjustment of the family and child in the home during the six-month placement period, if appropriate;

(5) Sources of information and verification, to the extent possible, of all statements of fact pertinent to the report;

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(6) The basis for your conclusions or recommendations; and

(7) The names and the qualifications of all persons involved in the preparation and evaluation of the report.

(b) All persons involved in the preparation and evaluation of the social study must sign the report.

**40 TAC § 745.9100
Tex. Admin. Code tit. 40, § 745.9100**

§ 745.9100. Whom must I contact with a complaint about how an independent social study was conducted?

You, or if applicable your attorney, must contact the court that ordered the social study. You may also contact the board that licenses the person who conducted the social study, and/or you may contact us. Before conducting the social study, the person must give you telephone numbers for other entities where it is appropriate to file complaints, which must also be included in the social study.

**40 TAC § 745.9101
Tex. Admin. Code tit. 40, § 745.9101**

§ 745.9101. How does this subchapter relate to other Licensing chapters?

This subchapter is cross-referenced in Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers) and Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes).

**40 TAC § 745.9103
Tex. Admin. Code tit. 40, § 745.9103**

§ 745.9103. What words must I know to understand this subchapter?

The following words have the following meanings when used in this subchapter:

(1) Day care administrator's credential--A credential that we recognize as meeting qualifications for a child-care center director or primary caregiver of a licensed home. Qualifications for a center director can be found in Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers). Qualifications for a primary caregiver of a licensed home are specified in Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes).

(2) I, my, you, and your--The professional organization or educational institution sponsoring a day care administrator's credential.

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(3) Credential program--The program a person must complete to receive a day care administrator's credential.

40 TAC § 745.9105
Tex. Admin. Code tit. 40, § 745.9105

§ 745.9105. When will Licensing recognize my day care administrator's credential?

We will recognize your day care administrator's credential when you demonstrate that your credential program meets specific criteria.

40 TAC § 745.9107
Tex. Admin. Code tit. 40, § 745.9107

§ 745.9107. What criteria must my credential program meet before Licensing will recognize my day care administrator's credential?

We may recognize your day care administrator's credential if you can demonstrate the following:

- (1) How you will ensure the continuity of your credential program;
- (2) How you will assess and select candidates for the credential program;
- (3) That a person must acquire competencies in administering a day care program to complete the credential program;
- (4) How you assess satisfactory completion of the credential program;
- (5) How the participant maintains the credential after acquiring it; and
- (6) When you will deny or revoke a credential or otherwise reprimand a credential holder.

40 TAC § 745.9109
Tex. Admin. Code tit. 40, § 745.9109

§ 745.9109. What must I submit to Licensing to demonstrate how I will ensure the continuity of my credential program?

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To demonstrate how you will ensure the continuity of your credential program, you must provide the following:

(1) A statement of your mission or purpose, your number of years in existence, and a description of your target audience;

(2) A description of the organizational structure of your credential program and your experience or track record in related fields;

(3) A statement of training outcomes and competencies participants will attain from the training; and

(4) A statement of your plan for communicating with us, credential candidates, and credential holders, including your system for maintaining a database or keeping records of the following for at least three years:

(A) Candidate applications for the credential program;

(B) Names and social security numbers of persons granted a credential;

(C) Effective dates and renewal dates for persons granted a credential; and

(D) Adverse actions against persons granted a credential.

**40 TAC § 745.9111
Tex. Admin. Code tit. 40, § 745.9111**

§ 745.9111. How do I demonstrate my method for assessing and selecting candidates for my credential program?

To demonstrate your method for assessing and selecting candidates for your credential program, you must show us the following:

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- (1) Specific training and/or education requirements required to enter the program;
- (2) Specific work experience, skills, and knowledge required to enter the program;
- (3) Policy regarding fees and fee refunds, if fees are collected;
- (4) Copy of the application;
- (5) A copy of the agreement specifying obligations of both the organization and the participant; and
- (6) A statement of any minimum and maximum timeframes for obtaining the credential.

**40 TAC § 745.9113
Tex. Admin. Code tit. 40, § 745.9113**

§ 745.9113. How do I demonstrate that someone must acquire competencies in administering a day care program to complete my credential program?

To demonstrate that someone must acquire competencies in administering a day care program to complete your credential program, you must provide the following:

- (1) A description of the knowledge and skills that you have identified as necessary for obtaining a credential. For example, the ability to articulate expectations of staff, and the knowledge and ability to supervise and evaluate the performance of staff and develop a staff development plan;
- (2) An outline of the program content and learning objectives, which must include at least the following:
 - (A) Child development concepts as specified in this subchapter;

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(B) Business management concepts as specified this subchapter; and

(C) Work or practical experience in the child-care field;

(3) Examples showing how the program content utilizes effective instruction methods and materials that take into account individual experiences, educational levels, and learning styles that challenge and involve participants;

(4) A plan for updating the program content to reflect the latest knowledge and best practices in the child-care industry; and

(5) A list of qualifications for instructors, including relevant education and experience in child care, training adults, assessing performance, and oral and written communication.

**40 TAC § 745.9115
Tex. Admin. Code tit. 40, § 745.9115**

§ 745.9115. How do I demonstrate my criteria for assessing satisfactory completion of the program?

To demonstrate your criteria for assessing satisfactory completion of the program, you must demonstrate the following:

(1) A statement of the passing level of performance and copy of the assessment tool used for this process; and

(2) A copy of the credential including name, address, and telephone number of the organization, effective date of the credential, and a statement of how long the credential is valid.

**40 TAC § 745.9117
Tex. Admin. Code tit. 40, § 745.9117**

§ 745.9117. How do I demonstrate the way in which a participant must maintain his credential?

To demonstrate how a participant must maintain his credential, you must provide the following:

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(1) Requirements for renewal of the credential, including training topics and hours, work experience if required, renewal process, and renewal fees, if any;

(2) Plan for communicating updates to persons holding a credential; and

(3) Plan for assessment and update of performance standards.

**40 TAC § 745.9119
Tex. Admin. Code tit. 40, § 745.9119**

§ 745.9119. How do I demonstrate my criteria for revoking or denying a credential or otherwise reprimanding a credential holder?

To demonstrate your criteria for revoking or denying a credential or otherwise reprimanding a credential holder, you must provide us with the following:

(1) A clear statement of the basis for revocation or denial of the credential;

(2) A clear statement of the basis for a reprimand and the resulting consequences;

(3) A list of any other negative sanctions, basis for the sanctions, the resulting consequences, and procedures for removal of the sanction;

(4) A plan for notifying us when a negative sanction is imposed; and

(5) A clear statement of the credential holder's right to review and procedures for requesting this from you.

**40 TAC § 745.9121
Tex. Admin. Code tit. 40, § 745.9121**

§ 745.9121. How do I obtain Licensing's approval of my credential program?

To obtain our approval of your credential program, you must send a written request for recognition along with the necessary information about you and your credentialing procedures. You must send this to the Director of Licensing, Mail Code E-550, Texas Department of Protective and Regulatory Services, P.O. Box 149030, Austin, Texas 78714.

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40 TAC § 745.9123
Tex. Admin. Code tit. 40, § 745.9123

§ 745.9123. What will Licensing do with my request for approval of my credential program?

The Director of Licensing or designee reads and evaluates the information submitted to meet the criteria specified in this subchapter. If she gives your request for recognition a score of at least 95 points out of a possible 100 points, we will approve your program.

40 TAC § 745.9125
Tex. Admin. Code tit. 40, § 745.9125

§ 745.9125. What if my request does not score 95 points for the required criteria?

If your request for recognition does not score 95 points, we will send you a written response explaining what additional information we would need to recognize your program.

40 TAC § 745.9127
Tex. Admin. Code tit. 40, § 745.9127

§ 745.9127. How will I prove that Licensing recognizes my credential program?

We will send you a two-year Certificate of Recognition. We also place your name and contact information on the list of organizations that can grant credentials. The list is available on the PRS Internet website www.tdprs.state.tx.us or through us. We update the list regularly.

40 TAC § 745.9129
Tex. Admin. Code tit. 40, § 745.9129

§ 745.9129. Can I begin my credential program before Licensing issues my certificate of recognition?

You may begin to provide training at any time, although we will not recognize a credential that you issue until we have issued you a certificate of recognition for your program.

40 TAC § 745.9131
Tex. Admin. Code tit. 40, § 745.9131

§ 745.9131. What learning objectives must my program's curriculum include?

Your program's curriculum must cover child-development and business-management concepts.

40 TAC § 745.9133
Tex. Admin. Code tit. 40, § 745.9133

§ 745.9133. What learning objectives must the child-development portion of my curriculum include?

The child-development portion of your curriculum must address the learning objectives in this chart:

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40 TAC § 745.9135
 Tex. Admin. Code tit. 40, § 745.9135

§ 745.9135. What learning objectives must the business-management portion of my curriculum include?

The business-management portion of your curriculum must address the learning objectives in this chart:

Figure: 40 TAC §745.9135

Learning objective:	
(1) Basic management cycle concepts	(A) Demonstrate how to set specific and measurable goals and objectives; (B) Demonstrate how to plan and prioritize goals and objectives; (C) Understand principles of human resource management (hiring, compensation, supervision, training, and development); (D) Understand principles of fiscal management (budgeting, pricing strategies, and purchasing); (E) Identify data collection techniques (observation, demographic info, market research); and (F) Compare process evaluation (timeliness, organization, and feedback) with outcome evaluation (attainment of goals and follow up plans).
(2) Basic management skills as they apply to child-care business	(A) Identify and apply commitment to professionalism; (B) Understand principles of leadership; (C) Identify personal management style; (D) Demonstrate interpersonal and communication skills (verbal and written); (E) Develop method of evaluating/assessing personnel (sharing expectations, giving feedback, using assessment tools); and (F) Identify conflict resolution techniques.
(3) Managing an effective day care program	(A) Develop center specific procedures and processes (maintenance, emergencies, job descriptions); (B) Understand record keeping systems (personnel, clients, fiscal, schedules, and menus); (C) Apply principles of nutrition and safe food service; and (D) Evaluate program operation for compliance with Minimum Standards.

40 TAC § 745.9137
 Tex. Admin. Code tit. 40, § 745.9137

§ 745.9137. What must I do to maintain the Licensing Certificate of Recognition?

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To maintain your certificate of recognition, you must:

- (1) Maintain records specified in this subchapter;
- (2) Follow the plan under which you received recognition;
- (3) Survey all credential holders once every two years for a report of their compliance with our minimum standards;
- (4) Follow up with credential holders who do not indicate substantial compliance with our minimum standards by offering remedial training or review of relevant topics that may assist the credential holder in achieving compliance with minimum standards;
- (5) Document survey and follow up with credential holders;
- (6) Ensure each program instructor and administrator obtains from training sources outside of your credential program:
 - (A) Ten clock hours of annual training in child growth and development, early childhood education, or related areas; and
 - (B) Ten clock hours in management or related areas; and
- (7) Document training with original certificates, including the name of the participant, training topic, name of the instructor and telephone number, date of the training, and number of training hours stated in contact hours or CEUs.

**40 TAC § 745.9139
Tex. Admin. Code tit. 40, § 745.9139**

§ 745.9139. What steps must I take to renew my Certificate of Recognition?

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You must submit a written request to the Director of Licensing for renewal of your certificate of recognition 30 days before the certificate will expire. The written request must include:

(1) Original certificates of documentation of training as specified in Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers) and Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes) for each program instructor and administrator;

(2) Updates to original program materials as required by any change in our rules or through advances in the child-care industry, child growth and development, and children's safety and health;

(3) The number of credentials you have awarded and renewed in the previous two years; and

(4) The numbers and types of sanctions you have issued in the previous two years.

**40 TAC § 745.9141
Tex. Admin. Code tit. 40, § 745.9141**

§ 745.9141. How long will my Certificate of Recognition be valid?

Your Certificate of Recognition is valid for two years if you can demonstrate that you have complied with the criteria specified in this subchapter.

**40 TAC § 745.9143
Tex. Admin. Code tit. 40, § 745.9143**

§ 745.9143. Will Licensing assess my credential program?

We may periodically assess whether your credential program complies with the criteria in this subchapter and your credential plan by:

(1) Observing training, assessment activities, or remedial activities;

(2) Requesting a current list of credential holders and evaluating compliance with minimum standards at operations administered by a credential holder;

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(3) Auditing credential holders for proof of compliance with your renewal requirements; and

(4) Auditing candidate applications to determine compliance with the approved credential plan.

40 TAC § 745.9145
Tex. Admin. Code tit. 40, § 745.9145

§ 745.9145. Will Licensing notify me before assessing my program?

No, but we will notify you of the results of our assessment, including any deficiencies that we identify.

40 TAC § 745.9147
Tex. Admin. Code tit. 40, § 745.9147

§ 745.9147. Will I have an opportunity to correct any deficiencies that Licensing identifies?

Yes. You will have an opportunity to correct any deficiencies we identify. The time given to correct a deficiency will vary depending on the seriousness of the deficiency and the amount of time and expense needed to correct it.

40 TAC § 745.9149
Tex. Admin. Code tit. 40, § 745.9149

§ 745.9149. What happens when my opportunity to correct deficiencies passes before I correct them?

If we determine deficiencies continue after your opportunity to comply expires, we will place your organization on probation for a stated period of time not to exceed one year. We will notify you of the corrections needed. You must develop and submit a corrective action plan for our approval. We will continue to recognize your credentials during the probation period.

40 TAC § 745.9151
Tex. Admin. Code tit. 40, § 745.9151

§ 745.9151. What are my rights if I disagree with Licensing imposing probation on my organization?

You have the right to request an administrative review as specified in Subchapter M of this chapter (relating to Administrative Reviews and Due Process Hearings).

40 TAC § 745.9153
Tex. Admin. Code tit. 40, § 745.9153

§ 745.9153. What happens at the end of the probation period?

At the end of the probation period, we will evaluate the conditions of probation and reinstate, renew, or revoke the Certificate of Recognition.

40 TAC § 745.9155
Tex. Admin. Code tit. 40, § 745.9155

§ 745.9155. Does Licensing charge fees for the application, recognition approval, and renewal process?

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No. We do not charge fees for this process.

**40 TAC § 745.9157
Tex. Admin. Code tit. 40, § 745.9157**

§ 745.9157. If I currently hold a Certificate of Recognition, when will I have to meet the criteria specified in this subchapter?

If you hold a Certificate of Recognition on September 1, 2003, you must re-apply for approval by submitting all required information specified in this subchapter no later than six months from September 1, 2003. You must include a plan for transition with your request. You must achieve a score of 95 points or more before we can grant you a Certificate of Recognition. You may continue to offer credentials during the six months period.

**40 TAC § 745.9159
Tex. Admin. Code tit. 40, § 745.9159**

§ 745.9159. What if my application materials do not comply within this period?

If you have not complied with the criteria specified in this subchapter within the six-month period, we will not recognize credentials issued by your program until you comply with all criteria and we issue a Certificate of Recognition.

**40 TAC § 745.9161
Tex. Admin. Code tit. 40, § 745.9161**

§ 745.9161. How many chances do I have to submit all of the required information?

You have three times to submit all required material. If we return your application as incomplete three times, you may not apply again until one year from the date that we returned your last application as incomplete.