

Subchapter D, Reports and Record Keeping

Division 1, Reporting Serious Incidents and Other Occurrences

§749.501. What do certain terms mean in this subchapter?

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These terms have the following meanings in this subchapter:

- (1) Serious incident--A non-routine occurrence that has or may have dangerous or significant consequences for the care, supervision, or treatment of a child. The different types of serious incidents are noted in §749.503 of this division (relating to When must I report and document a serious incident?).
- (2) Triggered review of a child's unauthorized absences--A review of a specific child's pattern of unauthorized absences when the child has had three unauthorized absences within a 60-day timeframe.
- (3) Unauthorized absence--A child is absent from a foster home without permission from the foster parent, or other temporary caregiver, and cannot be located. This includes when an unauthorized person has removed the child from the foster home.

Helpful Information

Regarding paragraph (3): Child-placing agencies (CPA) should use their best judgment based on the totality of the circumstances on a case by case basis to determine if there is an unauthorized absence. Example 1: if a teenager is routinely late in returning to a foster home from an extracurricular activity, the CPA would likely take the child's routine into account when assessing the possibility of an unauthorized absence. Example 2: If a teenager is on an unsupervised activity and calls and informs the foster parent that he/she will be late in returning to the home, this situation is not likely to be an unauthorized absence.

§749.503. When must I report and document a serious incident?

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(a) You must report and document the following types of serious incidents involving a child in your care. The reports must be made to the following entities, and the reporting and documenting must be within the specified time frames:

Figure: 26 TAC §749.503(a)

Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
1) A child dies while in your care.	(A)(i) YES (A)(ii) Within 2 hours after the child's death. [Medium-High]	(B)(i) YES (B)(ii) Within 2 hours after the child's death. [Medium-High]	(C)(i) YES (C)(ii) Immediately, but no later than 1 hour after the child's death. [Medium-High]
(2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.	(A)(i) YES (A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence. [Medium-High]	(B)(i) YES (B)(ii) Immediately after ensuring the safety of the child [Medium-High]	(C)(i) NO (C)(ii) Not Applicable.

Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited.</p>	<p>(A)(i) YES, including whether you plan to move the child until the investigation is complete.</p> <p>(A)(ii) As soon as you become aware of it.</p> <p>[Medium-High]</p>	<p>(B)(i) YES, including whether you plan to move the child until the investigation is complete.</p> <p>(B)(ii) Immediately after ensuring the safety of the child.</p> <p>[Medium-High]</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable.</p>
<p>(4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in substantial physical injury to the child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of it.</p> <p>[Medium-High]</p>	<p>(B)(i) YES</p> <p>(B)(ii) As soon as you become aware of it.</p> <p>[Medium]</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable.</p>

Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is:</p> <p>conduct harmful to a child’s mental, emotional or physical welfare, including nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of it.</p> <p>[Medium-High]</p>	<p>(B)(i) YES</p> <p>(B)(ii) As soon as you become aware of it.</p> <p>[Medium]</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable.</p>

