



CENTER FOR CHILDREN, LAW & POLICY  
AT THE  
UNIVERSITY OF HOUSTON LAW CENTER



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Advisory Council  
Texas Department of Family and Protective Services

Dear Council Members:

We are writing to submit public testimony on the recommendation to adopt rule changes in 40 TAC, Chapter 749, Child-Placing Agencies, relating to fire inspections in foster homes. The Center for Children, Law and Policy recognizes the need to provide for the safety and overall well-being of children entrusted to the state's care. We therefore encourage the Council to delay a final decision pending further investigation of alternatives which might achieve the end safety goal without disrupting existing and otherwise healthy placements or discouraging additional families from opening heart and home to children in need.

Suggested alternatives include but are not limited to:

- ◆ Develop and implement fire safety education for foster parents that would be mandated by DFPS and certified by the State Fire Marshal. Alaska has a program to test parents on fire safety utilizing the internet and thereby providing access to homes in remote areas (<http://www.acrf.org/education/FireSafetyCourse>). This could also be incorporated in the parent training already required to for licensure. Providers must recertify on a regular basis (as with CPR); so that the information taught is consistent and current. The Citizens Emergency Response Team (CERT) training materials developed collaboratively with the Department of Homeland Security can guide development of supplemental emergency response education for foster parents.

◆ Develop an age and ability appropriate safety education program for the children. This could be utilized as both an educational and assessment tool. The education component should help children become more aware and feel empowered about their personal safety. Additional tools might be created to teach children (and parents) how to prepare for hurricanes and react to tornado threats as well. Homes in proximity to the many chemical plants and refineries in Texas also need to incorporate “shelter in place” and other guidelines appropriate to this situation. An unknown threat for which a child feels unprepared and powerless is significantly more frightening than knowing what to do in case of fire, tornado, etc. As an assessment tool, emergency response awareness can help agencies place children in appropriately equipped facilities.

◆ Regularly scheduled and documented fire drills allow the opportunity for children to practice their knowledge and increase the likelihood that if in a fire or emergency situation, they will escape without injury. Instructions for fire drills should be age and ability appropriate. Engaging posters and other educational materials should be available and posted as reminders to children who, when in crisis, might not recall details of a training held months prior but will remember a poster they see daily.

◆ Utilize private inspectors contracted and certified by DFPS. Certification would be contingent on completion of a multi-day training developed in collaboration with the State Fire Marshal similar to that used for inspectors contracted with Housing and Urban Development (HUD). Private inspectors should be allowed to give conditional approval or denial depending upon the severity of the issue in question, and requiring foster homes to follow-up with local authorities. For example, a much needed home for severely disabled children is in the process of upgrading fire alarms or installing sprinkler systems and parents have been trained in fire safety. The inspector might give conditional approval and notify the local fire marshal regarding follow-up. The primary goal of this recommendation is to provide consistency in the inspection process.

◆ If private foster homes are to be required to install costly systems to qualify or keep the children they already house, the state must not only reimburse the foster parent(s) but provide avenues for up-front discounts or disbursements to parents for whom the out-of-pocket expense would create a financial hardship. Construction work generally requires deposits before work begins and agencies rarely reimburse until the job is complete. How does the foster parent meet her bills in the interim?

The leading cause of unintentional injury death in infants is suffocation, motor vehicle accidents or drowning. For children age 1-9 years it is motor vehicle, drowning or fire/burns. Years 10-19 aged children most often died of injury related to motor vehicles, drowning and poison (*The Division of Unintentional Injury Prevention, National Center for Injury Prevention and Control (May 18, 2007 MMWR)*). Although some facilities housing foster children have placed personal gain above responsibility to their young charges (*Forgotten Children: A Special Report on the Texas Foster Care System, Strayhorn, April 2004*), Texas has made gains in cleaning up or closing said facilities. Dedicated foster parents must consider multiple threats to the well-being of their charges including fire and food safety.

Excessive mandates that fail to guarantee the safety of foster children will surely discourage current and potential foster parents from assuming this huge responsibility. In 2007, seventy-three counties in Texas had no foster homes (*Texas Department of Family and Protective Services, Data book 2007*). Those counties with the most foster homes are also those with the most complaints about the fire inspections. As of 2007, there are 32,745 unduplicated foster care clients in Texas and 2019 licensed foster and foster/adoptive homes. A mathematical analysis suggests that the state is ill-equipped to lose any due to technicalities. The Department of Family and Protective Services should carefully weigh all options and seek ways to proactively assist existing and incoming foster parents to create healthy and safe homes.

Sincerely,

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