



August 06, 2019

Dear OCOK Network Providers:

Pursuant to the Fifth Circuit Court of Appeals in *M.D. et al. v. Abbott* related to Continuous 24-Hour Awake Supervision OCOK adopts the following requirement:

All Providers serving more than six children in their facility must provide Continuous 24-Hour Awake Supervision. Provider's supervision policies and procedures must consider and address the ages, needs, living arrangements, and levels of service of the children and youth placed at a facility in addition to the physical environment and layout of the facility.

The Provider must notify OCOK and DFPS when this condition is not met in the specified format. This report will be submitted within 24 hours of the occurrence and will include the Provider's actions.

OCOK Network Providers are required the following:

1. All licensed residential child care providers who have more than 6 children in their facilities must submit policies and procedures that meet the updated Continuous 24-Hour Awake Supervision provisions by August 10, 2019.
2. All residential service providers will submit a certification of compliance with the provider's continuous 24-hour supervision policies and procedures by September 25, 2019 in the format provided by DFPS.
3. All residential service providers must report, to OCOK via Serious Incident Report process to seriousincidents@oc-ok.org and to DFPS through the process established by DFPS to the following email DFPSRESIDENT@dfps.state.tx.us, any noncompliance within 24 hours of the occurrence.

No children or youth in the conservatorship of DFPS may be placed in licensed residential child care placements with more than 6 children, inclusive of foster, biological, and adoptive children, that lack continuous 24-hour awake-night supervision, with the exception of unlicensed placements, such as unlicensed or unverified kinship placements.

The continuous 24-hour requirement goes into effect immediately. Continuous 24-Hour Awake Supervision means caregivers are awake to supervise children continuously, 24 hours a day; children means children and youth under the age of 18.

Any questions are to be referred to seriousincidents@oc-ok.org mailbox.

Respectfully,

Kris Naylor
OCOK Chief Operating Officer