

# DFPS Discipline Policy

## **PERSONS REQUIRED TO UNDERSTAND, SIGN, AND IMPLEMENT THE DFPS DISCIPLINE POLICY**

All foster parents, pre-consummated adoptive parents, potential foster/adoptive parents, other adults living in the home, and intermittent alternate care (IAC) providers must agree to the DFPS discipline policies and procedures. Signing this form signifies understanding of the policy and agreement to adhere to the DFPS discipline policies and procedures. This form must be signed during the study process, at each reevaluation, and at any time another adult begins living in the home.

## **GENERAL REQUIREMENTS FOR DISCIPLINE**

Physical discipline **may not** be used on a child in any DFPS foster home or pre-consummated adoptive home. Discipline must be constructive and educational in nature. Correction must be fair, reasonable, consistent, and related to the specific misbehavior. Foster and pre-consummated adoptive parents must communicate to the child, in a manner that the child understands:

- What the child has done wrong,
- Why the discipline must occur,
- The full extent of the discipline (how long the discipline is in effect and/or what has to occur to end the discipline period), and
- What is considered to be appropriate behavior (this should be done in the form of discussion with the child).

Discipline should be individualized and related to the child's specific misbehavior, age, developmental level, previous experiences, reactions to previous discipline, and any other relevant factors. Time-outs should have reasonable time periods and be supervised by an adult. Reasonable time-out periods consist of one minute for every year of the child's age.

The foster and pre-consummated adoptive parents and CPS staff will develop appropriate discipline methods for each child placed in the foster/adoptive home. CPS staff will provide the foster/adoptive parent with alternatives to physical discipline.

Foster and pre-consummated adoptive parents and CPS staff **must not** give permission to any person or entity, including schools (see below), to discipline a foster or pre-consummated adoptive child in ways that are not consistent with this policy.

## **CORPORAL PUNISHMENT IN SCHOOLS**

Foster and pre-consummated adoptive parents and CPS staff must not give permission to any person or entity (including schools) to discipline a foster or pre-consummated adoptive child in ways that are not consistent with this policy. A school cannot be prevented from using corporal punishment, but, if asked to consent to a school policy that includes corporal punishment, a foster or pre-consummated adoptive parent must refuse. If a caregiver becomes aware that a school intends to use corporal punishment to discipline a child in CPS conservatorship, the caseworker should be notified, so that CPS can attempt to intervene and convey the compelling reasons against this form of punishment with respect to this population of children.

## **DEFINITIONS**

The definitions below are taken from Licensing rules in 40 TAC §720.1001. These terms are also defined in the Glossary of the *Minimum Standards for Child-Placing Agencies*.

**EMERGENCY SITUATION** is defined as a situation in which:

- it is immediately necessary to restrain, seclude, or administer emergency medication to a child to prevent imminent:
  - probable death or substantial bodily harm to the child because the child overtly or continually is threatening or attempting to commit suicide or serious bodily harm; or
  - physical harm to others because of threats, attempts, or other acts the child overtly or continually makes or commits, and preventative, de-escalative, or verbal techniques have proven ineffective in defusing the potential for injury. These situations may include aggressive acts by the child, including serious incidences of shoving or grabbing others over their objections. These situations do not include verbal threats or verbal attacks.

**RESTRAINT** is defined as the use of physical force alone, the use of a device, or the use of emergency medication in order to assist a child in regaining control. This includes personal restraint, mechanical restraint, and emergency medication.

- **CHEMICAL RESTRAINT** is defined as the use of any chemical, including pharmaceuticals, through topical application, oral administration, injection, or other means, solely for the purpose of immobilizing a child or sedating a child as a mechanism of control. Chemical restraints are prohibited.
- **MECHANICAL RESTRAINT** is defined as the application of a device for the purpose of restricting the free movement of the whole or a portion of a child's body in order to control physical activity. Mechanical restraints are prohibited.
- **PERSONAL RESTRAINT** is the application of physical force, including escorting, without the use of any device for the purpose of restricting the free movement of the whole or a portion of a child's body in order to control physical activity.

**SECLUSION** is defined as the placement of a child, for any period of time, in a room or other area where the child is alone and is physically prevented from leaving by a locked or barricaded entryway. An intervention that restricts a child to a room that involves a caregiver placing his or her body between the child and the exit from that area (for example, standing in the doorway of a room) is not seclusion because the child is not alone. If a caregiver uses physical force or a physical barrier to restrain a child or prevent a child from leaving, the intervention becomes a personal restraint regulated under 40 TAC §720.1007 (relating to Personal Restraint) or seclusion regulated under 40 TAC §720.1011 (relating to Seclusion).

These rules are also published in the *Minimum Standards for Child-Placing Agencies*, Appendix M, Behavior Interventions.

**TIME OUT** is a procedure used for the purpose of behavior modification that restricts a child to a designated area, including his or her room, but does not physically prevent the child from leaving by a locked or barricaded entryway. A caregiver may close a door or stand in an entryway to enforce the time out, as long as the door is not locked.

## **REQUIRED NOTIFICATIONS TO THE CHILD**

- **Allowable Discipline Practices.** At the time of placement, a foster or pre-consummated adoptive parent must provide each child with a copy of the discipline practices allowed in the home by completing and signing Form 2411, Discipline Notification.
- **Use of Restraints.** Age appropriate explanations of the foster or pre-consummated adoptive home's use of restraints are to be provided to each child at time of placement. The explanations must include who can use restraint, actions used to avoid the use of restraint, types of restraints used, the specific kinds of situations in which restraint may be used, when a restraint must cease, actions a child must exhibit to be released from a restraint, and how to report an inappropriate restraint.
- **Right to Provide Comments.** Children must be notified of their right to voluntarily provide comments on any restraint or seclusion that is used. The notification must include an explanation of the process for submitting such comments. The process must be easily understood and accessible.

## **ALLOWABLE FORMS OF DISCIPLINE**

Discipline must suit the child's age, circumstances, and developmental needs. Methods of discipline may include: establishing routines, setting reasonable limits, modeling appropriate behavior, offering choices, giving explanations, repeating instructions, taking "time-out," enforcing or permitting logical or natural consequences, and reinforcing desired behavior. Additional strategies for managing the child's behavior, if needed, should be listed in the child's service plan. Restraints and seclusion may only be used as listed below.

## **ALLOWABLE USES OF RESTRAINTS AND SECLUSION**

**Only a caregiver qualified in behavior intervention**, as defined by the *Minimum Standards for Child-Placing Agencies*, **may administer restraint or seclusion.** Additionally, restraint or seclusion only may be administered during emergency situations (see definition of Emergency Situation above) after alternative methods have been unsuccessful. No type of restraint or seclusion may be used as a punishment, as a caregiver convenience, or as a substitute for treatment. A personal restraint or seclusion is subject to the following restrictions:

- **Personal Restraints.** Personal restraints may be used only in emergency situations and by trained caregivers. The **exception** is the use of short personal restraints (less than one minute in length) to protect a child from imminent danger, to prevent significant damage to property, or to control a tantrum in a public place of a child who is not yet 5-years-old. The restraint must end as soon as the danger or behavior subsides.
- **Supportive Devices.** Supportive devices may be used to support a child's posture or assist a child in maintaining normal bodily functioning. The use of a supportive device must be prescribed by a physician whose written order indicates the circumstances under which it is permissible to use the supportive device.
- **Seclusion.** Seclusion is generally prohibited. The **exception** is only homes verified to provide services to children with autistic-like behavior may use seclusion in emergency situations and if ordered by a licensed psychiatrist or psychologist.

## **DOCUMENTATION OF RESTRAINTS AND SECLUSIONS**

Foster and pre-consummated adoptive parents must keep a written record of all restraints or seclusions. This written record must include the date and time of the restraint or seclusion and the circumstances or specific

behaviors that led to the restraint or seclusion. The foster or pre-consummated adoptive parent must provide a written monthly report to the child's caseworker and foster home development or adoption worker for inclusion in the child's and foster or pre-consummated adoptive family's records.

## **PROHIBITED FORMS OF DISCIPLINE AND THERAPEUTIC INTERVENTIONS**

Any form of discipline used **may not** violate any of the specific prohibitions in Minimum Standards for Child-Placing Agencies. Discipline of children must not result in bruises, welts, burns, fractures, sprains, exposure, poisoning, or other types of injuries. Shaking and harsh, cruel, unusual, or unnecessary punishment are not allowed. Discipline may not consist of withholding food, shelter, visitation, supervision, medical or educational care, other necessities, mail, or special items such as Christmas gifts, or birthday gifts. Threatening the child with loss of placement, name calling or labeling the child, and embarrassing or degrading the child are not acceptable forms of discipline. Any form of restraint or seclusion that is not used in an emergency situation is prohibited.

**The following restraints are prohibited:**

- **Mechanical Restraints.** The use of mechanical restraints is prohibited.
- **Chemical Restraints.** Chemical restraints are prohibited. Medications that have a secondary effect of immobilizing or sedating a child or modifying a child's behavior are not considered chemical restraints if administered solely for medical reasons (for example, Benadryl for an allergic reaction or medication to control seizures).
- **Holding Intervention.** Holding intervention is sometimes used as a therapeutic approach to promote the child's ability to bond with others and is not used to hold or restrain a child from harming himself or others. This form of therapy is considered a restraint used in non-emergency situations and, therefore, may not be used as a therapeutic approach with children in DFPS foster or pre-consummated homes, even if recommended by a licensed psychologist or psychiatrist.

## **ACKNOWLEDGEMENT**

I have read, understand, and agree to abide by the DFPS Discipline Policy for foster and adoptive children in my care.

\_\_\_\_\_  
Foster/Adoptive Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Foster/Adoptive Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other

\_\_\_\_\_  
Date