

**Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report**

Operation Information and Allegations:

Operation #: [REDACTED]
Investigation #: [REDACTED]
IMPACT Case Id:
IMPACT Call Id:
Intake(s):

Intake Number	Intake Date Received
[REDACTED]	05/08/2018 03:56 PM

Investigator's Name: ROBIN PUTSCHE
Extension Granted: No

Allegation Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Standard/Law Violation | <input type="checkbox"/> Abuse/Neglect Physical Abuse |
| <input type="checkbox"/> Illegal Operations | <input type="checkbox"/> Abuse/Neglect Sexual Abuse |
| <input type="checkbox"/> Suicide Attempt | <input type="checkbox"/> Abuse/Neglect Emotional Abuse |
| <input type="checkbox"/> Child Death | <input type="checkbox"/> Abuse/Neglect Physical Neglect |
| <input type="checkbox"/> Serious Harm/Injury | <input type="checkbox"/> Abuse/Neglect Medical Neglect |
| <input type="checkbox"/> Near Fatal | <input type="checkbox"/> Abuse/Neglect Neglectful Supervision |
| <input type="checkbox"/> Child Arrest | <input type="checkbox"/> Abuse/Neglect Exploitation |
| <input type="checkbox"/> Illness Requiring Hospitalization | |
| <input type="checkbox"/> Child Run Away | |
| <input type="checkbox"/> Caregiver Drug Abuse | |
| <input type="checkbox"/> Endangering Person | |
| <input type="checkbox"/> Child Sexual Aggression | # Children involved: 0 |
| <input type="checkbox"/> Child on Child Physical Abuse | # Children involved: 0 |

Intake Priority: Priority 2 - serious supervision problems
Investigation Priority: Priority 2 - serious supervision problems
Date Priority Changed:
Reason Priority Changed:
Allegation Description:

A child was released to a parent that was not the child's parent.

Investigation Persons:

Reporter:

Confidential See TAC 745.8483

Victim(s): [REDACTED]

Perpetrator(s):

Name	Perp Disposition	Admin Review	Release Hearing
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[REDACTED]

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Investigation Documentation:

Initiation Information:

Initiation Date: 05/10/2018

Type of Initiation: Face-to-Face

Information Obtained:

This investigation was initiated in the following manner:

Date 5/10/18

Method Face to face

Person contacted Operation staff [REDACTED]

Information obtained:

[REDACTED] said that she came in early that day around 10:30-11. There was a teacher that was out sick. It was chaotic to begin with. We were trying to transition old toddlers to the 2's room. [REDACTED] and [REDACTED] it was both their first days. I asked what the child's names were but she can't remember who told her that. She said they told me right and I mixed them up. When I laid them down for nap, [REDACTED] was upset and did not want to lay down. One of us held her. [REDACTED] went right to sleep. Dad comes in with [REDACTED]. They had just laid [REDACTED] down she finally went to sleep just before dad walks in. Dad walked straight to [REDACTED] as they have the exact blanket. [REDACTED] was in the corner with me and [REDACTED] was next to the door. He picked her up handed [REDACTED] the out sheet and he said taking renezmae home. I was also talking to [REDACTED] because of teacher changes. I turned and looked and I acknowledged what he said. I took the ticket and went to sign in and I was focusing on the ticket, the two kids awake and [REDACTED]. They both have brown hair and blue eyes but one is just a little chubbier than the other. He came back in right away and he said oops my mistake I grabbed the wrong one. Then I looked and said [REDACTED] and [REDACTED] and they have the same blanket. He did not wake the child he just picked her up and left. When dad came in to get the child it was just her and [REDACTED]. The policy is to get the out time card. We are to make sure that we have that student and we hand them the stuff and tell them where the child is. If the child is in our class we get the child and give to parent and sign the child out right then. On this day she got the paper but did not confirm and check the child. **That was the first day she had met the child but she had never met the dad before.** She stated that especially nap time she will confirm with the parent and the child before allowing the child to leave the room. She is putting name tags on tables and name tags on mats.

Observations Made During Inspection:

Inspection(s):

3684189

[REDACTED]

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An unannounced investigation inspection was conducted on 5/10/18. I arrived and informed the director who I was and the purpose of my inspection I gave her my business card as well.

Evaluated:

Teacher file [REDACTED]
DOH 4/2018 file complete

Background check issues; they are having issues getting in touch with background check unit. I looked up the problem and stated that when they ran the check they did not click the FBI box. She did another one while I was there and FBI cleared. She asked me to locate the background check unit person info and their supervisor info.

Incident report: report is complete and is signed by [REDACTED] s mom
18 children at nap at time of incident age 2's and tods. mostly 2's at 13.
Tickets for that day [REDACTED] with dad [REDACTED] sign out 1:30 [REDACTED] mom 2:40 pm pick up [REDACTED] dad PH # [REDACTED]) person who took the wrong child

Evaluated release policies for staff; however it only states that parent has to give the teacher the ticket from the front office not that the teacher has to circle the name and then sign the child out.

video: 132 dad walks in You can't see [REDACTED] in the video footage. Dad walks over to [REDACTED] who has a different blanket than [REDACTED] does. [REDACTED] is facing up and her blanket was not on her face. Dad was rubbing the child's stomach and the lighting in the room is appropriate and you can see the face. The dad woke the child up and then once the child woke you can see [REDACTED] in the view point. Child stands up and dad takes blanket. Dad picks up child and child is facing the parent and not protesting. The parent walks out with the child at 134. The two children do not have the same blanket. Dad then is seen walking out to car that is parked in car port just outside the doors with his other child walking with him and the 2 year old in hi hands. He goes around to the side door and then you see dad walk back inside with the child.

Walk through was completed and all classes were in ratio. The children were eating lunch, getting ready for nap or at nap during my inspection. Lighting was appropriate in nap rooms No hazards noted indoor or outdoor.

Background check: [REDACTED] dps and cr clear: FBI blank
[REDACTED] verified social as there are two different background checks for her with two different socials. The social that starts 560 is correct and verified. Clear

Transportation interviewed director regarding drivers; policies, training and accounting for kids They need 1 driver in the morning and 2-3 drivers in the afternoon. They have 4 qualified drivers. If a driver calls out they can condense the runs and change the routes. They would stay in contact with the public schools about any transportation changes. They use Tim the trainer once per year before summer. DL we discussed adding those dates to her current spread sheet used to keep up with training. The procare computer system will give them heads up when training is set to expire. They have a sign in and out log for the kids on

[REDACTED]

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the vehicle. If a child is not present they call the parent to confirm. They do name to face accounting of the kids The drivers walk the vehicles to ensure no child has been left on the vehicle. The teacher in the class also checks each child into the building.

Safe Sleep discussed and observed

Pending 2936 signed by director and emailed: need to speak to all parents

Contact List:

Type	Date	Contact Time	To:/With	Victim Name
<i>Phone Call</i>	<i>05/22/2018</i>	<i>12:00 AM</i>	██████████: <i>dad of</i> ██████████	

██████████ said that they checked ID and did my fingerprint and showed me how it worked as it was our first day there. After that they showed me around and went to the class. The first one worked out perfect I got the right child. I went to the youngest one first. When I got the oldest one they showed me the kid and what they were doing, they were napping. I woke her up and got her. We walked to the other class. When the walked in the owner asked the teacher where is ██████████ and the teacher said she is right there pointing to the wrong child. I picked her up and they walked us out. I put the kid in the car and I looked and said this ain't my kid. she was still sleeping and she laid down on me when I carried her out. I was calling her name and realized she was not mine. I parked in the front, never left the driveway. I went back in and said yall gave me the wrong one and they said sorry. The teacher pointed out to where she was in the room at nap time but it was not the right one. The teacher was sitting and his kid was right in front of her but the one she pointed to was 3 kids away and that is the child he took. The lighting was dark due to nap time.

<i>Phone Call</i>	<i>05/22/2018</i>	<i>12:00 AM</i>	██████████ <i>grandma of</i> ██████████	
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Contacted Ms. ██████████ to try and get her son's phone number for a statement about the child mix up. She said that he is out of town and at first was not going to give me a number. She said that it was the school's negligence as her son went into the room and asked for his child and they gave him the child with a blanket over her head. I told her that I was investigating the school and that is when she said she would have her son call me. She said that she saw the video and saw that the child had a blanket over her head when the staff handed the child over to her son and that he did not see her face until he got to the car.

She said that she would have her son call me.

<i>Phone Call</i>	<i>05/22/2018</i>	<i>12:00 AM</i>	██████████: <i>director</i>	
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Called director to see if we can get an updated number for ██████████ dad and she stated that all they had was grandma's number. She gave me her name and number: ██████████ ██████████ She stated that new children in classes they will do name tags and what the child is wearing so the teachers get to know any new student. She stated that ██████████ is no longer enrolled as the family only wanted every other week care and they cannot do that.

<i>Phone Call</i>	<i>05/22/2018</i>	<i>12:00 AM</i>	██████████: <i>parent of</i> ██████████ ██████████	
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hall. He talked to the girl that was walking. I got to the front and went back to the desk and he walked out. I walked off to go do something else. When I came back up [REDACTED] said you missed it this is what just happened. She was shocked like how do you not know your own child.

Face-to-Face 05/10/2018 12:00 AM [REDACTED]: front desk
staff

[REDACTED] said she was not here that day.

Face-to-Face 05/10/2018 12:00 AM [REDACTED]:
caregiver

[REDACTED] said that she came in early that day around 10:30-11. There was a teacher that was out sick. It was chaotic to begin with. We were trying to transition old tots to the 2's room. [REDACTED] and [REDACTED] it was both their first days. I asked what the child's names were but she can't remember who told her that. She said they told me right and I mixed them up. When I laid them down for nap, [REDACTED] was upset and did not want to lay down. One of us held her. [REDACTED] went right to sleep. Dad comes in with [REDACTED]. They had just laid [REDACTED] down she finally went to sleep just before dad walks in. Dad walked straight to [REDACTED] as they have the exact blanket. [REDACTED] was in the corner with me and [REDACTED] was next to the door. He picked her up handed [REDACTED] the out sheet and he said he was taking [REDACTED] home. I was also talking to [REDACTED] because of teacher changes. I turned and looked and I acknowledged what he said. I took the ticket and went to sign in and I was focusing on the ticket. She was not fully focusing on dad as she was talking to [REDACTED] and she had two kids still awake. They both have brown hair and blue eyes but one is just a little chubbier than the other. He came back in right away and he said oops my mistake I grabbed the wrong one. Then I looked and said [REDACTED] and [REDACTED] and they have the same blanket. He did not wake the child he just picked her up and left. When dad came in to get the child it was just her and [REDACTED]. The policy is to get the out time card. We are to make sure that we have that student and we hand them the stuff and tell them where the child is. If the child is in our class we get the child and give to parent and sign the child out right then. On this day she got the paper but did not confirm and check the child. That was the first day she had met the child but she had never met the dad before. She stated that especially nap time she will confirm with the parent and the child before allowing the child to leave the room. She is putting name tags on tables and name tags on mats.

Face-to-Face 05/10/2018 12:00 AM [REDACTED]:
office staff

Dad walks in and she was not here. I was on lunch break. [REDACTED] was up front at that time. [REDACTED] was also up there. She comes back from lunch and [REDACTED] takes an interview in the office so I sit up front. The dad was leaving with two girls. I sat down for a minute and the cook asks me for counts. The dad walks back in and says this is not my child. I saw that it was [REDACTED] and I switched the girls and brought dad the correct child. We wake her up and I am still holding her and she starts calling for daddy and he takes her from me. The child he took was [REDACTED] and she was fine when he took her back inside. The child that is his [REDACTED] and he also had his other daughter Lily. [REDACTED] is 2 and the other child [REDACTED] is 3. He acted like it was no big deal and he left. Grandma of [REDACTED] called and [REDACTED] talked to them and then [REDACTED] called [REDACTED]'s mom. [REDACTED] ID'd him and got him on the computer with fingerprint so he could check them in and out. They get a slip of paper and you give it to the teacher and that is the way the teacher knows the child belongs to the parent. Morning teachers leave 10:30-11 and the afternoon [REDACTED] comes in. Someone told [REDACTED] that [REDACTED] was [REDACTED] and [REDACTED] was [REDACTED]. They looked at the cameras and it shows dad turning child over talking to her and picking [REDACTED]

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her up and taking her. She does not protest and then went to get the other daughter from the 3's and then walked out. When they walked out she did not see [REDACTED]'s face dad was holding her. That is her understanding of how it all went down. Their policy no matter new child or old child parent will get paper from front desk and teacher should not allow a child to leave without the parent giving them that paper.

Face-to-Face 05/10/2018 12:00 AM [REDACTED]:
director

[REDACTED] stated grandma of child who was supposed to be taken said it was both of their fault because child's head was covered and the teacher handed the child to dad and I was like in my head, no he picked up the child. She has video. It was 1:34 pm and the kids were at nap. It was both girls first day in the class. I went in before lunch to help with teachers. [REDACTED] the one taken was sitting there crying and I said its ok and I was finishing with the class and the new girl ran across the room and I said [REDACTED] stop running so I was even confused that it was a different child. The dad when he picked her up he kept looking at her in the building so how did he not realize until he got to the car that he had the wrong child. She said that now she puts name tags on their backs to ensure the correct child goes with correct parent. She said she has video that shows the teacher did not hand the child to dad. She was here and I was in another area of the building. [REDACTED] was at the front desk. He got stopped at the front at got a ticket. The ticket has all the information the child's name the date and they have to have that in order to leave. The teacher is supposed to look it at circle it and signs child out and then keeps ticket. The child did have her head on his shoulder and was not protesting either. Dad goes outside comes back in and tells [REDACTED] he had the wrong child. She took [REDACTED] from him and put her back in the class. She got the correct child for him and he left. He was already gone and I was in class. I came up front and [REDACTED] told her what happened. The grandmother of the correct child called and we talked to grandma and we called [REDACTED]'s mom and explained to her what happened. Mom asked did he leave with her and she said no and mom came and wanted to see the video. He went around the car and brought her right back in. Concern with [REDACTED] being taken away. Short term fix is to put a name tag on her back. She briefly talked to the teachers about what happened. She said the kids are both new but they have to check the tickets and make sure they are initialing the ticket and they have the right child. [REDACTED] said he came in picked the child up and left. She was given the ticket. [REDACTED] was in there also and I don't know if he handed her the ticket or Ms. [REDACTED]. That is the policy with all children every day. The parent cannot take a child without giving the teacher a ticket.

Investigation Findings:

Disposition (if A/N):

Explanation of Disposition:

[REDACTED]

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Based on the information obtained there is evidence to support a violation of the minimum standards. The director, owner and caregiver as well as parent were interviewed. All confirmed that a parent of a child enrolled, [REDACTED] walked in and informed owner that he was there to pick up. The owner checked his ID against his child's file and showed him how to get set up in their fingerprint system. The owner then walked him to the child's classroom. The parent went to the wrong child and spent several minutes in the class talking to and waking up the child [REDACTED]. He handed the ticket to the caregiver [REDACTED] and took the child out of the class and out of the building. The parent then returned with the child and said he made a mistake and took the wrong child. The caregiver stated that she was introduced that day to the two girls. The caregiver stated that it was both girls first day in care. The caregiver stated that she did not confirm the correct child at pick up but also stated that she was talking to the owner, had two kids still awake and the dad walked over to the wrong child and woke her up and talked to her. The parent of [REDACTED] stated that they did check his ID and took him through the sign out process. He stated that he went to his youngest child's class first and everything went fine there. He then went to his oldest child's room and asked for [REDACTED] and the teacher pointed to the wrong child. He said he woke the child and picked her up and carried her as she laid on him to the car. He said the room was dark due to nap time. He said when he got the child to the car he noticed it was not his child and brought her back in. The grandparent of [REDACTED] was interviewed and she stated that she saw on the video that the child was handed to her son with a blanket of them and when he got to the car and took the blanket off was when he realized the mistake. Licensing observed video footage that shows dad and owner walking into classroom. The lighting was such that the child's face can be seen. The child that the dad took was facing up and no blanket on the face. The dad spent 2 minutes in the classroom rubbing on the child to wake her and getting her to a standing position and then picking her up. He then looked at the child in the face and appeared to be talking to her before leaving the room to get his second child. He gets his second child and she walks out as he holds the wrong child. He is seen going out the door to the driver side of his car and then seen coming back into the building. The facility has a system where the parent signs the child out up front and then they get a ticket with their name, child name and time of sign out and they give this ticket to the caregiver so they can confirm the correct child. This process was completed however the dad took the wrong child and the caregiver did not confirm if it was the correct child.

Recommended Action: Routine monitoring

Action Dates:

Notification to Provider: 05/22/2018

Investigation Complete: 05/22/2018

Investigation Closed: 07/18/2018

[REDACTED]