



COMMISSIONER  
Jon Weizenbaum

September 25, 2014

To: Home and Community-based Services Providers  
Texas Home Living Providers

Subject: Information Letter 14-60  
Transportation Requirements for Abuse, Neglect and Exploitation Investigations

The purpose of this information letter is to inform Home and Community-based Services (HCS) and Texas Home Living (TxHmL) program providers of transportation requirements when an individual is involved in a Department of Family and Protective Services (DFPS) abuse, neglect, and exploitation (ANE) investigation.

When an individual receiving services is involved in an ANE investigation of a service provider, DFPS may indicate a forensic interview of the individual be conducted by a professional from a children's advocacy center (CAC). CACs partner with local communities and agencies investigating and prosecuting abuse of a child or a person with a disability. Based on information from DFPS, a forensic interview is defined as a developmentally-sensitive and legally sound method of gathering information regarding allegations of abuse, neglect or exploitation. This interview is conducted by a competently-trained, neutral professional utilizing research and practice-informed techniques as part of a larger investigative process.

If a DFPS investigator informs an HCS program provider a forensic interview with a CAC is indicated for an individual receiving residential support, supervised living, host home / companion care or supported home living, or informs a TxHmL program provider a forensic interview with a CAC is indicated for an individual receiving community support, the provider must transport the individual to a local CAC or to an agreed upon alternative location. The HCS and TxHmL provider must, in accordance with Department of Aging and Disability Services (DADS) rule at Texas Administrative Code (TAC), Title 40, §9.178(k)(2) and §9.580 (f)(2), ensure the person who transports the individual is not the alleged perpetrator.

A DFPS investigator will notify the HCS or TxHmL program provider of the request to conduct a forensic interview. Upon notification by the DFPS investigator, the program provider must (1) make the individual aware of the DFPS request to conduct a forensic interview; (2) inform the individual the interview is voluntary; and (3) if the individual agrees, coordinate with DFPS to arrange for transportation of the individual to a local CAC or to an agreed upon alternate location. The program provider must also ensure that the person who transports the individual is not the alleged perpetrator.

For an individual receiving HCS services who is not receiving residential support, supervised living, host home / companion care or supported home living, or for an individual receiving services TxHmL services who is not receiving community support, the DFPS investigator will work with the HCS or TxHmL provider to coordinate available transportation resources to transport the individual to the local CAC or alternative location. An HCS and TxHmL provider must inform the DFPS investigator of any specialized supervision requirements for the individual during the transport to ensure the protection of both the individual and the person who is transporting the individual.

As a reminder, HCS and TxHmL program providers must cooperate with DFPS investigations in accordance with DADS rules at 40 TAC §9.178(l) and §9.580(g).

If you have any questions about the content of this information letter, contact the mailbox at [hcs@dads.state.tx.us](mailto:hcs@dads.state.tx.us) for HCS questions. For questions about TxHmL, contact the mailbox at [txhml@dads.state.tx.us](mailto:txhml@dads.state.tx.us).

Sincerely,

*[Signature on file]*

Elisa J. Garza  
Assistant Commissioner  
Access and Intake

*[Signature on file]*

Donna Jessee  
Director  
Center for Policy and Innovation