

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
MINIMUM STANDARDS REVISION NOTICE



Date: June 5, 2015

Effective Date: March 1, 2015

To: All Holders of Minimum Standards for Shelter Care

From: Paul Morris, DFPS Assistant Commissioner for Child-Care Licensing

- You may print copies from our website at www.dfps.state.tx.us
- If you have questions, please contact your licensing representative or send an email to msc@dfps.state.tx.us.

Subjects:

- **Introduction and Appendix I: Definitions**
- **Appendix II: Background Check Rules**

Introduction and Appendix I

The Introduction to the Minimum Standards for Shelter Care has been updated to more accurately reflect the development of the standards.

Appendix I: Definitions was not current, so it has been updated and renumbered. Other than the renumbering, the changes to the definitions involved military personnel definitions and did not impact the Minimum Standards for Shelter Care.

Appendix II: Background Check Rules

NOTE THIS CHANGE: Former "Appendix II: Background Check Rules" has been removed from this publication. The "Background Checks (TAC 745, Subchapter F, Background Checks)" rules are now posted on the DFPS website as a separate publication.

The following background check rule changes were effective March 1, 2015

§743.105. What are the background check requirements?

§745.601. What words must I know to understand this subchapter?

§745.651. What types of criminal convictions may affect a person's ability to be present at an operation?

New §745.691. May conditions or restrictions be placed on a person's presence at an operation?

New §745.693. Must I follow conditions or restrictions that have been placed on a person's presence at an operation?

The change to §743.105 clarifies that Shelters must ensure that background checks are kept confidential as required by the Human Resources Code §40.005(d) and (e). The cites in §743.105 were also updated.

Definitions for the "Centralized Background Check Unit (CBCU)" and "risk evaluation" have been added to §745.601. The definitions for "frequently present at an operation" and "regularly" have been combined into one definition.

The change to §745.651 fixes a loophole and requires any person currently on parole for a felony offense to have an approved risk evaluation prior to being present at a Shelter.

The previous rule regarding conditions and restrictions on a person's presence at an operation was deleted (§745.688). Instead, new §745.691 and §745.693 were added to clarify the CBCU may in

certain circumstances place conditions and restrictions on a person's presence at a Shelter, and the Shelter must comply with these conditions or restrictions or there may be consequences for the Shelter.

Since September 2014 there have been other additional changes to the background check rules, but unless already noted, those changes were either not substantive or did not impact Shelters.

Please note that each of the new and amended rules have the effective date of *March 2015* below each rule title.

New complete publications for "Minimum Standards for Shelter Care" and "Background Checks" (TAC 745, Subchapter F, Background Checks) current through June 1, 2015 are available for review on the DFPS website at

http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp.