#### 5221 Licensed Operations Fee Chart

LPPH ~~February 2013~~ DRAFT 9427-CCL

The chart below lists the fees that are required for a child care operation to obtain or maintain an initial or non-expiring license. Child care operations include day care operations, residential operations, and child-placing agencies (CPAs).

Some licensed operations may be exempt from certain fees. See [5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees.

| Type and Amount | When to Notify Operation | When Fee Payment Is Due | Consequence If an Operation Fails to Meet Time Frames |
| --- | --- | --- | --- |
| Application: $35 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial license for a child care operation (other than a child-placing agency): $35 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial license for a child-placing agency: $50 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial renewal for a child care operation (other than a child-placing agency): $35 | When the operation is informed that a non-expiring license cannot be issued | Before renewal | Do not renew initial license |
| Initial renewal for a child-placing agency: $50 | When the operation is informed that a non-expiring license cannot be issued | Before renewal | Do not renew initial license |
| First annual fee for a child care operation (other than a child-placing agency): $35 + $1 per licensed capacity | Initial | Before issuance of a non-expiring license | Denial, if the fee is not paid by the issuance date |
| First annual fee for a child-placing agency: $100 | Initial | Before issuance of a non-expiring license | Denial, if fee is not paid by the issuance date |
| Annual fee for a child care operation (other than a child-placing agency): $35 + $1 per licensed capacity | Two months before the anniversary date of the license (state office notifies) | Anniversary date of a non-expiring license | Automatic suspension, if the fee is not paid by the anniversary dateAutomatic revocation, if the fee is not paid within six months after the automatic suspension begins |
| Annual fee for a child-placing agency: $100 | Two months before the anniversary date of the license (state office notifies) | Anniversary date of the non-expiring license | Automatic suspension, if the fee is not paid by the anniversary dateAutomatic revocation, if the fee is not paid within 6 months after the automatic suspension begins |
| Change of ownership or location (not applicable for a CPA that only changes location): $35 for applicationANDFor a child care facility: $35 for initial (only if being issued)For a child-placing agency (not applicable for a CPA that only changes location) issued)ORFor a child care facility: $35 + $1 per licensed annual capacityFor a child-placing agency (other than a change of location): $100 | When notified of the change | Application acceptance date and before issuance | Denial, if the fee is not paid by the issuance date |
| Amendment fee for a child care operation: $1 per licensed capacity increase | Amendment request | Before the amendment is issued | No increase in capacity |
| Background check per person: $2 | Not applicable | At the time the background check request is submitted or on a monthly or quarterly basis. | Possible suspension or revocation of the permit |

Texas Human Resources Code §§[42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054); [42.056(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056)

DFPS Rules, 40 TAC §§[745.509](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509); [745.517](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

#### 5222 Registered Homes Fee Chart

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The chart below lists the fees required for a registered child care home.

| Fee Type, Amount | When to Notify an Operation | When Fee Payment Is Due | Consequence if Operation Fails to Meet Time Frames |
| --- | --- | --- | --- |
| Initial application, Registration request: $35 | Inquiry, preregistration | Acceptance date of the registration request | Return registration request as incomplete |
| Annual registration: $35 | 2 months before the anniversary date of the registration (state office notifies) | Anniversary date of the registration | Automatic suspension, if the fee is not paid by the anniversary dateAutomatic revocation, if the fee is not paid within 6 months after the automatic suspension begins |
| Background check per person: $2 | Not applicable | At the time the background check request is submitted or on a monthly or quarterly basis | Possible suspension or revocation of the permit |

Texas Human Resources Code §§[42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054); [42.056(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056)

DFPS Rules, 40 TAC §§[745.507](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=507); [745.517](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

#### 5223 Listing Fee Chart

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The following chart contains fees required for listed family homes. Some listed family homes may be exempt from the fees listed. See [5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees.

| Type and Amountof Fee | When toNotify Operation | When Fee Payment Is Due | Consequence if Operation Fails to Meet Time Frames |
| --- | --- | --- | --- |
| Initial Application/request Listing Fee: $20 | Upon listing | Listing request acceptance date | Return listing request as incomplete |
| Annual Listing Fee: $20 | Two months before anniversary date of listing (state office notifies) | Anniversary date of listing | Automatic suspension if fee not paid by anniversary dateAutomatic revocation if fee not paid within six months after automatic suspension begins |
| Background check per person: $2 | Not applicable | At the time the background check request is submitted or on a monthly or quarterly basis. | Possible suspension or revocation of the listing for failure to submit the fee.  |

Texas Human Resources Code §§[42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054); [42.056(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056)

DFPS Rules, 40 TAC §§[745.505](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=505); [745.517](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

Publication note (do not remove): Item 5225 is deleted. Item 5224 has no changes and was not submitted; however, to be consistent with removing the unnecessary subheading above the tables in 5221 - 5223, remove it in 5224 as well (with no change to the 5224 revision date). Jackie

#### 5313 Persons For Whom Fingerprint-Based Background Checks Are Required

LPPH ~~March 2014~~ DRAFT 9427-CCL

Policy

All Operations Except Small Employer-Based Child Care Operations and Temporary Shelter Child Care Operations

Any person affiliated with a child care operation (other than a small employer-based child care operation or a temporary shelter child care operation)who requires a name-based background check must also have a fingerprint-based background check, unless:

 • the person is a frequent or regular visitor, in which case only a name-based background check is required; and

 • the person is not otherwise required to have a fingerprint-based background check under 40 TAC [§745.615(b)(2)](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=615) or federal law. (Below, in this item, see Other Persons Who May Have Out-of-State Criminal History.)

For an explanation of what constitutes a name-based or fingerprint-based background check, see the entries for those terms in [Definitions of Terms](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_Definitions_of_Terms.asp).

Applicants for an Administrator’s License and Licensed Administrators

Applicants for an administrator’s license and licensed administrators must submit fingerprints, unless a valid FBI check was completed previously. See [5314](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5314) Persons For Whom Background Checks Are Not Required.

Substitute Employees or Substitute Caregivers

A contractor who provides one or more substitute employees or caregivers to an operation (other than a small employer-based child care operation or a temporary shelter child care operation) must ensure that the substitute employees or caregivers meet the same background check requirements as an employee or caregiver who performs similar duties.

The director, owner, or operator of the operation must verify that a substitute employee or caregiver is eligible to be present at the operation before allowing the person to work.

Other Persons Who May Have a Criminal History Outside of Texas

All child care operations except small employer-based child care operations are required to complete a fingerprint-based background check on any person who is required to complete a name-based background check, if:

 • the operation has reason to suspect that the person has a criminal history in another state; or

 • the person has lived in another state any time during the previous five years.

See [5312](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5312) Persons For Whom Name-Based Background Checks Are Required.

For an explanation of what constitutes a name-based or fingerprint-based background check, see the entries for those terms in [Definitions of Terms](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_Definitions_of_Terms.asp).

Persons Whose Renewal Background Checks Are Late

If a person’s renewal background check is requested more than 24 months after the day that the previous check was requested, the previous fingerprint check cannot be used to meet background check requirements and the person must submit another set of fingerprints. See [5315](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5315) When Background Checks Are Required.

Procedure

As required by the Federal Bureau of Investigation (FBI):

 • all persons who are required to have an FBI fingerprint check must be fingerprinted by a qualified person; and

 • all fingerprints must be submitted electronically through the DPS-assigned fingerprinting service centers. See the [IdentoGo](http://identogo.com/)website for locations.

Texas Human Resources Code §§[42.056](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056); [42.153](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.153); [42.206](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.206)

DFPS Rules, 40 TAC §§[745.601](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=601); [745.615](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=615); [745.625](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=625); [745.630](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=630); [745.8934](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8934); [745.8993](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8993)

For an explanation of what constitutes a renewal background check or fingerprint-based background check, see the entries for those terms in [Definitions of Terms](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_Definitions_of_Terms.asp).

#### 5315 When Background Checks Are Required

LPPH ~~March 2014~~ DRAFT 9427-CCL

Policy

An operation must request a background check under the following circumstances:

a. The operation submits its application for a permit

b. The operation hires someone

c. The operation contracts with someone

d. A person applies to be a foster or adoptive parent at a home that would be verified by the operation

e. A person who is not a client and is 14 years old or older moves into a home or operation, **or** is living in the home or operation and becomes 14 years old. (A person who is not a client and is living in the home or operation is known as a non-client resident.)

f. The operation becomes aware of a person who requires a background check under 40 TAC [§745.615](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=615).

An applicant for an administrator’s license must request a background check on himself or herself when submitting the application.

Renewal Background Checks

An operation must request a renewal background check within 24 months of the day that the previous check was requested. With respect to the information that the home must submit for a renewal background check:

 • Automatic suspension if the home does not request a check until the home submits the home submits the required information; and

 • Automatic revocation if the home does not submit the required information within six months after the automatic suspension begins.

To renew an administrator license, a licensed administrator on active status must request a renewal background check within 24 months of his or her last request for a background check.

For more information on a renewal background check, see [Definitions of Terms](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_Definitions_of_Terms.asp).

Texas Human Resources Code §§[42.052(j)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.052); [42.056](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056); [42.159](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.159); [42.206](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.206)

DFPS Rules, 40 TAC §§[745.625](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=625); [745.8934](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8934); [745.8993](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8993)

#### 5354 Handling Disputed Criminal Histories

LPPH ~~October 2010~~ DRAFT 9427-CCL

Procedure

If the person with the history indicates that the criminal history is not his or hers and the criminal history would be a minimum standards violation, the Centralized Background Check Unit (CBCU) informs the operation that the person must email DPS at error.resolution@dps.texas.gov in order to resolve the issue.

The person with the criminal history must schedule an appointment and take the form to a DPS-assigned applicant fingerprinting service center to submit DPS electronic fingerprints. At the time of the appointment, the person is charged a processing fee to have his or her prints submitted. This procedure is only used when the person indicates that the criminal history is not his or hers, and the person is not required to complete an FBI check. After the fingerprints are taken, the results are sent back to DFPS and processed in the same way that other fingerprint results are handled.