**GUIDELINES FOR LISTED FAMILY HOMES**

**Purpose:** This information sheet is designed to help you understand the laws and rules governing listed family homes.

**Directions:** If you have questions regarding listed family homes, please contact your local Child Care Licensing office. A list of Child Care Licensing offices can be found at [http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp](http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp)

A family home provider who is compensated* to provide regular care** for one to three unrelated children in the provider’s own home must list with the Texas Department of Family and Protective Services (DFPS). A provider who is required to get a listing may apply for a registration instead; but a provider with a registration must comply with minimum standards for registered childcare homes.

* You are compensated if you receive anything of value in exchange for the care you are providing.

** You are providing regular care if you care for a child for four or more hours per day, for three or more days per week and for three or more consecutive weeks or for four hours per day for 40 or more days in a period of 12 months.

Following are the legal requirements for a Listed Family Home provider:

**A. PEOPLE IN THE HOME**

1. The provider must submit a completed Request for Criminal History and Central Registry Check form for the provider, any resident of the home who is 14 years old or older, and any person who regularly or frequently visits the home while the children are in care. The provider and any resident aged 14 years or older must also complete an FBI fingerprint check.

2. The provider must submit a completed Request for Criminal History and Central Registry Check every 24 months that includes the provider, all residents of the home who are 14 years old or older, and all persons who regularly or frequently visit the home while the children are in care. Failure to submit the required background checks will result in the automatic suspension of the home’s listing. If the background checks are not received within 6 months of their due date, the listing will be automatically revoked.

3. A person who has a history of abuse or neglect reported in the DFPS’s Central Registry offenses may not be allowed in the home or be in contact with children in care. The Centralized Background Check Unit will inform you if a person has Central Registry history that bars the person’s presence or requires a risk evaluation. In some circumstances, DFPS may determine that a person who is currently the subject of a child abuse or neglect investigation poses an immediate threat or danger to the health or safety of children and may not have contact with children.

4. A person who has been convicted of any of the offenses included in the following chart posted on the DFPS website may not be allowed to be in the home or be in contact with children in care: [http://www.dfps.state.tx.us/Child_Care/documents/Standards_and_Regulations/Reg_List_Home_Chart.docx](http://www.dfps.state.tx.us/Child_Care/documents/Standards_and_Regulations/Reg_List_Home_Chart.docx)

5. Until charges are dropped, a person who is indicted for any of the offenses listed in the chart linked above or who is the subject of an official criminal complaint (related to those offenses) that has been accepted by a county or district attorney must not be in the home or have contact with the children while the children are in care. The provider must notify DFPS of the indictments or complaints within 24 hours of awareness or by the next workday. The provider must also notify DFPS if a person who is subject to background has been arrested for a crime, so that DFPS may determine whether the person may be present at the home while children are in care.
B. THE NUMBER OF CHILDREN IN CARE

1. Once listed by DFPS, a provider may care for one to three unrelated children in the provider's home. A provider caring for more than three unrelated children in his or her home must obtain a registration or license.

2. The total number of children in a listed family home, including those related to the provider, may not exceed 12 at any given time. *Children who are related to the provider are his or her children, grandchildren, great-grandchildren, first cousins, siblings, nieces, and nephews.*

C. ABUSE AND NEGLECT OR IMMEDIATE THREAT OF HARM TO CHILDREN IN CARE

1. Children must not be abused or neglected while in the listed family home. See 40 TAC Sec. 745.8427. If Child Care Licensing receives a report of abuse or neglect or immediate threat of harm to children in a listed family home, an investigator is assigned to visit the home and investigate the complaint.

2. If a child appears abused or neglected when he comes to the listed family home, the caregiver must call and report the abuse or neglect to DFPS or the nearest law enforcement agency immediately. This is required in Chapter 261 of the Texas Family Code, Investigation of Report of Child Abuse and Neglect. This law provides immunity to anyone who makes a good faith report. The **24-hour, toll-free number for reporting child abuse and neglect is 1-800-252-5400; an e-report can also be filed at https://txabusehotline.org**

D. THE PROVIDER (CAREGIVER)

1. The caregiver must meet all requirements of a listed family home required by the law (Chapter 42 of the Human Resource Code) and by the Department.

2. A caregiver must be at least 18 years old.

3. The caregiver must present the listing certificate to any parent who requests to see it.

4. The caregiver must pay the annual listing fee and any background checks fees to maintain a listing with the state. Failure to submit payment for the fee(s) when due will result in the automatic suspension of the home’s listing. If payment of the fee(s) is not made within six months of the due date the listing will be automatically revoked.

E. ADVERTISING A LISTED FAMILY HOME

"A family home may not place a public advertisement that uses the title “listed family home” or any variation of the phrase unless the home is listed as provided by this chapter [Chapter 42 of the Human Resources Code]. Any public advertisement for a listed family home that uses the title “listed family home” must contain a provision in bold type stating: ‘THIS HOME IS A LISTED FAMILY HOME. IT IS NOT LICENSED OR Registered WITH THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED.’” Section 42.0522 (b) of the Human Resources Code.

F. APPEALS AND COURT CHALLENGES

If the Department denies a listing request or revokes a listing, the provider is notified in writing which provisions of the law are being violated. The provider has the right to appeal the decision and is given information about how to request an appeal.