

## CCDBG Final Bold/Strikethrough Changes For Chapter 745

### Chapter 745 Subchapter E, Fees

§745.505. What fees must I pay to list my family home and maintain the listing?

(a) The following chart contains the fees required for listed family homes, when the fees **are due, and the consequences for failure to pay the fees on time:** ~~[- Note that for listed family homes the fees for background checks are included in the \$20 application and annual fees.]~~

Type and Amount of Fee	When the Fee is Due	Consequences for Failure to Pay Fee on Time
(1) Application/request processing fee: \$20	Before we accept your application/request for a listing	We will return your application/request as incomplete.
(2) Annual listing fee: \$20	On the anniversary date of your listing	If you do not pay your fee when it is due, your listing is automatically suspended until you pay your fee. If you do not pay your fee within six months of when your suspension begins, your license is automatically revoked.
<b>(3) Background Check fee: \$2 per person</b>	<b>At the time you request a background check or on a monthly or quarterly basis</b>	<b>We may suspend or revoke your listing.</b>

(b) **The fees listed in subsection (a) of this section are waived for a person with a listing who only provides child care to a related child in the child's own home as approved by the Texas Workforce Commission's Listed Family Home Fee Waiver Authorization form.** ~~[A listed family home in which a relative child-care provider cares for the child(ren) in the child(ren)'s own home is exempt from paying fees.]~~

### Chapter 745 Subchapter F, Background Checks Division 2, Requesting Background Checks

§745.615. On whom must I request background checks?

(a) (No change.)

(b) In addition to any other background check required by this section, you must request fingerprint-based criminal history checks on the following:

(1) If you are a permit holder, or applicant for a permit, for a child-placing agency, general residential operation, independent foster home, child-care center, before or after-

school program, [or] school-age program, **licensed child-care home, registered child-care home, or listed family home providing care to unrelated children**, then you must request a fingerprint-based criminal history check for each person who is required to have a name-based background check under subsection (a)(1)-(6) of this section; and

(2) (No change.)

(c) - (d) (No change.)

**NEW §745.616. Transitional rule for requesting fingerprint-based criminal history checks for listed family homes, registered child-care homes, and licensed child-care homes as required by the 84th Texas Legislature.**

(a) The 84th Texas Legislature enacted changes to Human Resources Code (HRC) §42.056, imposing new fingerprint-based criminal history check (fingerprint-based check) requirements on certain persons affiliated with listed family homes that provide care to unrelated children, registered child-care homes, and licensed child-care homes who had not previously been required to undergo these checks. See S. B. 1496, 84th Regular Legislative Session. The purpose of this transitional rule is to provide guidance on when a fingerprint-based check should be requested and when Licensing will begin to cite a home for a violation of minimum standards for failing to request a required fingerprint-based check. This rule applies only to listed family homes, registered child-care homes, or licensed child-care homes, and only with respect to persons who were not previously required to undergo a fingerprint-based check under HRC §42.056, as that statute existed before the changes from S. B. 1496 became effective on September 1, 2016.

(b) Beginning September 1, 2016, before we issue you a permit to operate a listed family home, registered child-care home, or licensed child-care home you must:

(1) Request fingerprint-based checks for all persons listed in §745.615(a)(1) - (6) of this title (relating to On whom must I request background checks?); and

(2) Request these fingerprint-based checks when you request the initial background checks that you must request according to §745.625(a) of this title (relating to When must I submit a request for an initial or renewal background check?).

(c) For listed family homes, registered child-care homes, or licensed child-care homes that have been issued a permit to operate a home before September 1, 2016, you must request fingerprint-based checks for all persons listed in §745.615(a)(1) - (6) who do not already have a valid fingerprint-based check on file, in accordance with the timeframes listed below:

Persons Requiring a Fingerprint-Based Check:	When the Request for a Fingerprint-Based Check is Due:
(1) Persons whose initial or last name-based background check renewal was run (or was due to be run) between September 1, 2014 and August 31, 2015	At the time the person's name-based background check is due for renewal.
(2) Persons whose initial or last name-based background check renewal was run (or was due to be run) between September 1, 2015 and August 31, 2016	If your last name begins with: (A) A through F, December 1, 2016; (B) G through L, March 1, 2017; (C) M through R, June 1, 2017; and (D) S through Z, August 1, 2017.

<b>Persons Requiring a Fingerprint-Based Check:</b>	<b>When the Request for a Fingerprint-Based Check is Due:</b>
<b>(3) Any person who will be turning 14 years of age and:</b> <ul style="list-style-type: none"> <li>• Is counted in the child/caregiver ratio;</li> <li>• Has unsupervised access to children in care; or</li> <li>• Resides at the home</li> </ul>	<b>Within 90 days before or after the child's 14<sup>th</sup> birthday.</b>
<b>(4) Anyone for whom:</b> <ul style="list-style-type: none"> <li>• You have requested a risk evaluation; and</li> <li>• A risk evaluation is pending</li> </ul>	<b>Before the risk evaluation decision may be issued.</b>

**(d) For persons described in subsection (b) of this section, Licensing will begin citing new homes for violation of minimum standards for any deficiencies relating to fingerprint-based checks after September 1, 2016.**

**(e) For persons described in subsection (c) of this section, Licensing will provide technical assistance to listed family homes, registered child-care homes, or licensed child-care homes until September 1, 2017, and will begin citing operations for violation of minimum standards for any deficiencies relating to fingerprint-based checks after September 1, 2017.**

**(f) This rule expires on December 31, 2017.**