

TITLE 26 HEALTH AND HUMAN SERVICES  
PART 1 HEALTH AND HUMAN SERVICES COMMISSION  
CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES  
SUBCHAPTER C RECORD KEEPING  
DIVISION 4 RECORDS ON CAREGIVERS AND HOUSEHOLD MEMBERS

§747.901. What information must I maintain in my personnel records?

You must keep at least the following at the child-care home for each assistant caregiver and substitute caregiver, as specified in this chapter:

- (1) Documentation showing the dates of the first and last day on the job;
- (2) Documentation showing how the caregiver meets the minimum age and education qualifications, if applicable;
- (3) A copy of a health card or health care professional's statement verifying the caregiver is free of active tuberculosis, if required by the regional Texas Department of State Health Services tuberculosis program or local health authority;
- (4) A notarized Licensing *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child-Care Home (Form 2985)* as specified in Texas Human Resources Code §42.059;
- (5) A *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations (Form 2912)* as specified in Texas Human Resources Code §42.0563;
- (6) A record of training hours, including documentation required by §747.1327 of this chapter (relating to What documentation must I provide to Licensing to verify that caregivers have met training requirements?);
- (7) Proof of request for all background checks required by Chapter 745, Subchapter F of this title (relating to Background Checks);
- (8) A copy of a photo identification;
- (9) A copy of the person's current driver's license if the person or caregiver transports a child in care; and
- (10) A statement signed and dated by the caregiver in a licensed child-care home verifying the date the caregiver attended training during orientation that includes an overview regarding the prevention, recognition, and reporting of child maltreatment, as specified in §747.1301 of this chapter (relating to What must orientation for caregivers at my child-care home include?)

## Technical Assistance

Regarding paragraphs (4) and (5), you may obtain copies of Form 2985 and Form 2912 at <https://www.hhs.texas.gov/handbooks/child-care-regulation-handbook/forms>

TITLE 26 HEALTH AND HUMAN SERVICES  
PART 1 HEALTH AND HUMAN SERVICES COMMISSION  
CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES  
SUBCHAPTER D PERSONNEL  
DIVISION 3 ASSISTANT CAREGIVERS AND SUBSTITUTE CAREGIVERS

§747.1207. What minimum qualifications must an assistant caregiver meet?

A person must meet the following qualifications to be an assistant caregiver who is counted in the child/caregiver ratio:

(1) Be 18 years old, except as provided by §747.1211 of this division (relating to When may I employ a person under the age of 18 or a person who does not have a high school diploma or equivalent as a caregiver?);

(2) Except as provided by §747.1211 of this division, have a:

(A) High school diploma;

(B) High school equivalent; or

(C) High school certificate of coursework completion, as defined in Texas Education Code §28.025(d);

(3) Have completed orientation to your child-care home;

(4) Meet the requirements in Chapter 745, Subchapter F of this title (relating to Background Checks);

(5) Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;

(6) Complete a notarized Licensing *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child-Care Home (Form 2985)* before you allow the person to be an assistant caregiver, as specified in Human Resources Code §42.059; and

(7) Complete a *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations (Form 2912)* before you allow the person to be an assistant caregiver, as specified in Texas Human Resources Code §42.0563.

### Technical Assistance

Regarding §747.1207(7), the affidavit is not a substitute for complying with CCR's background check requirements. Regardless of what information a person documents on the affidavit about charges, convictions, or adjudications of a crime involving an inappropriate relationship with a minor, CCR may determine the person ineligible to be present at an operation due to a background check result. If CCR determines a person is eligible to be present at an operation

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based on the person's background check results, and the person documents in the affidavit a charge of an inappropriate relationship with a minor, the operation may choose to utilize the person if the operation determines that the charge was false based on the information disclosed in the affidavit. Moreover, an operation may terminate an employee, if the employee is the assistant caregiver, for failing to disclose the information required in the affidavit.