



Minimum Standards Revision Notice

Date: July 06, 2022

Effective Date: July 8, 2022

To: All Holders of Chapter 748, Minimum Standards for General Residential Operations

From: Rachel Ashworth-Mazerolle, HHSC Associate Commissioner for Child Care Regulation

Subject: New Requirements for Care of Unlawfully Present Individuals in Licensed General Residential Operations

The amended and new rules are necessary to address the subject matter of emergency rules adopted in July 2021 and January 2022, relating to providing care or shelter to unlawfully present individuals in a General Residential Operation (GRO) licensed by HHSC.

The emergency rules were adopted to comply with Governor Abbott's direction in a May 31, 2021, proclamation declaring a state of disaster in certain Texas counties and for affected state agencies. In this proclamation, Governor Abbott directed HHSC to discontinue state licensing of certain child-care facilities that provide care or shelter to undocumented immigrants. The Governor suspended §42.046 and §42.048 of the Texas Human Resources Code and all other relevant laws to the extent necessary for HHSC to comply with this direction. HHSC adopted an emergency rule to require a GRO either to cease providing care or shelter to an unlawfully present individual by August 30, 2021, or to surrender its license to HHSC. The emergency rules also provided that child-care programs that are exempt from licensing and regulation by HHSC must be operated separately from GROs that are licensed or certified by HHSC and outlined the enforcement actions HHSC may take if a GRO provides care or shelter to an unlawfully present individual.

These amended and new rules replace the emergency rules.

The changes are effective July 8, 2022.

New Requirements for Care of Unlawfully Present Individuals in Licensed General Residential Operations

Family Residential Centers

§748.7. How are these regulations applied to family residential centers?

Amended §748.7 adds subsection (f) to clarify that the rule only applies when a GRO is authorized to care for children who are unlawfully present and in the custody of the federal government.

Care of Unlawfully Present Individuals

§748.81. What do certain terms mean in this division?

§748.83. May I provide care to or shelter an unlawfully present individual?

§748.85. What are the requirements if I operate my general residential operation while an exempt program separately provides care for an unlawfully present individual?

New §748.81:

- At (1), provides a definition for an exempt program; and
- At (2), provides a definition for an unlawfully present individual.

New §748.83 provides that a GRO may not provide care or shelter to an unlawfully present individual. However, the provider may provide care for an unlawfully present individual at an exempt program that operates separately from the GRO.

New §748.85 outlines the requirements a GRO must follow if operating while an exempt program separately cares for an unlawfully present individual. These requirements include:

- Notifying CCR in writing;
- Ensuring that the exempt program:

- Has separate caregivers or caregivers that do not provide care for both programs simultaneously; and
- Does not use an area of the building or grounds at the same time as the GRO except under certain circumstances that the licensed GRO specifies in a written plan. The plan must include supervision of children in the shared space; and
- Submitting a written plan to CCR detailing how the licensed GRO will operate separately from the exempt program.

You may view highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#).

If you have questions, please contact your CCR inspector or [send an email to RCCR Standards](#).