



Minimum Standards Revision Notice

Date: November 23, 2022

Effective Date: November 23, 2022

To: All Holders of Chapter 749, Minimum Standards for Child-Placing Agencies

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

Subject: Change in Location for Certain Child Care Operations

The amended rules are necessary to implement Texas Human Resources Code (HRC) §42.048(e) and §42.048(e-3) to align requirements for CPAs that permanently change location with those for other licensed or certified operation types for consistency.

The amended rules are also necessary to implement HRC §42.048(e-4), which allows CCR to comply with a local or state order during a declared disaster (as described in Texas Government Code Chapter 418) by authorizing a CPA or foster home to temporarily:

- move to a new location not noted on the CPA's license or certificate application or the foster home's verification; or
- provide care to any child at an additional location that is not stated on the CPA's license or certificate application or the foster home's verification.

Lastly, the amended rules are necessary to align foster home capacity requirements related to 42 United States Code (U.S.C.) §671(a), which includes requirements that a state must meet in order to have a federally approved IV-E plan.

In November 2022, the Executive Commissioner of HHSC adopted the amended rules to be effective November 23, 2022. No TA period will be given because the requirements have existed in statute since September 2021.

Specific Rule Changes

The amendment to §749.153 adds a cross reference to §745.435 of the same title (relating to What must I do if I relocate my operation after I receive my license or certification?) and corrects citations for references within the same chapter.

The amendment to §749.503 adds new subsection (e)(3) to require a CPA to notify CCR and parents as soon as possible, but no later than 24 hours after the following situations occur due to a declared state of disaster:

- the CPA temporarily moves to a new location that is not noted on the CPA's permit;
- a foster home temporarily moves to a new location that is not noted on the verification; or
- a foster home temporarily provides care to any child at any location not noted on the verification.

In the courtesy publication of Chapter 748, CCR amended the Helpful Information section for §749.503 to clarify who declares a disaster and that the operation must be located in the area impacted by the declared disaster before subsection (e)(3) applies.

The amendment to §749.2551 revises subsection (b) to allow a child-placing agency to request an exception for a foster home to care for seven or eight children for:

- a parenting youth in care to remain with the child of the parenting youth; and
- a family with special training or skills to provide care to a child with a severe disability.

In addition, CCR deleted some language in §749.2551(d) because the language is superfluous and not integral to meeting the intent of the subsection. Lastly, to ensure that CCR only grants variances that are consistent with additional exceptions permitted by state and federal law, including federal law related to Title IV-E funding requirements, CCR added language to subsection (d) highlighting that CCR will consider any limitations in state or federal law.

Highlighted Versions

You may view highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#). CCR is updating the minimum standards courtesy publications and will notify you when the updates are complete.

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