



August 30, 2021

Dear Child Care Provider:

The 87th Legislature, Regular Session, concluded on May 31, 2021. A number of bills passed during the session that will impact child care operations regulated by Child Care Regulation (CCR).

CCR has posted a chart on the [Minimum Standards](#) webpage that includes the following information for such bills:

- A brief summary of the changes in the law;
- Information on how to comply with the changes in the law; and
- Information on when to comply with the new law.

Please review the chart carefully, as not all bills may impact your specific type of operation. CCR will continue to communicate with you as additional decisions are made on how to implement this recent legislation.

We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety, and well-being of children in out-of-home care in Texas.

Sincerely,

Jean Shaw
Associate Commissioner
Child Care Regulation

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 139 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Child Care Administrators</i> • <i>Child-Placing Agency Administrators</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Occupational Code §55.004 to:</p> <ul style="list-style-type: none"> • Allow military veterans and military spouses alternate methods to meet the requirements for obtaining the administrator license, including receiving appropriate credit for training, education, and clinical and professional experience and proof of residency. • The changes only apply to initial applications and renewals of the administrator licenses filed on or after 09/01/2021. Any applications filed prior to 09/01/2021 will fall under the law effective at that time. <p><u>Rule Changes</u> Child Care Regulation (CCR) will propose relevant rule amendments to 26 Texas Administrative Code (TAC) §745.8913, §745.8933, and §745.9025.</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not need to take any action. The requirements in this bill outline what CCR has to do when processing applications for licensed administrators who are military veterans and military spouses.</p>	<p>N/A</p>
<p>HOUSE BILL 700 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Texas Family Code §264.1214(b) – (c) to:</p> <ul style="list-style-type: none"> • Allow a young adult placed in a residential child care operation to share a bedroom with a child in care if the child is 16 years old or older as long and the age difference of the two persons does not exceed 24 months; and • Require the Texas Department of Family and Protective Services (DFPS) to waive background checks for youth in Extended Foster Care (no changes to Child Care Regulation background check rules are needed). <p><u>Rule Changes:</u> Child Care Regulation (CCR) will propose rule amendments related to young adults in care sharing bedrooms with children in care to 26 Texas Administrative Code (TAC) Chapters 748 (Minimum Standards for General Residential Operations) and 749 (Minimum Standards for Child-Placing Agencies).</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not need to take any action until rules are adopted.</p>	<p>When CCR notifies you rules have been adopted, CCR will communicate a date for compliance.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 757 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Child Care Administrators • Child-Placing Agency Administrators <p>Effective 09/01/2021</p>	<p>Amends Code of Criminal Procedure (CCP) Article 42A.111 to:</p> <ul style="list-style-type: none"> • Allow CCR to consider a completed and dismissed deferred adjudication as a conviction when processing background checks associated with issuing, denying, renewing, or revoking an administrator’s license. <p><u>Rule Changes:</u> CCR does not need to amend rules to implement this legislation.</p>	<p>You do not need to take any action. The requirements in this bill outline what criminal history CCR may consider when processing background checks for applicants for an administrator’s license.</p>	<p>N/A</p>
<p>HOUSE BILL 1387 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Child-Placing Agencies • Agency Foster Homes <p>Effective 09/01/2021</p>	<p>Amends Human Resources Code §42.042 (e-1) to:</p> <ul style="list-style-type: none"> • Allow foster homes to store their firearms and ammunition in the same locked location without trigger locks. Previously, the firearms and ammunition had to be stored separately unless trigger locks were installed. <p><u>Rule Changes</u> CCR will propose relevant rule amendments to 26 TAC, §749.2961 (Minimum Standards for Child-Placing Agencies, Division 3, Weapons, Firearms, Explosive Materials and Projectiles)</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>If you decide to allow foster homes to store firearms and ammunition in the same locked location without trigger locks on or after 9/1/2021, you must:</p> <ul style="list-style-type: none"> • make changes to your policy relating to the storage of weapons, firearms, explosive materials, and projectiles; and • follow-up with each foster home that has firearms to ensure the home is storing firearms according to your updated policy. 	<p>You may update your policy at any time on or after 09/01/2021.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 1540 SECTIONS 18, 19, and 20</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • General Residential Operations • Child-Placing Agencies • Agency Foster Homes <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 18 and 19 amend Human Resources Code §§42.002 and §42.042 to:</p> <ul style="list-style-type: none"> • Require CCR to adopt minimum standards that ensure a child’s health, safety, and welfare are adequately protected on the grounds of a child-care facility; • Allow CCR to consider the grounds appurtenant to General Residential Operations, Child-Placing Agencies, and Agency Foster Homes when promulgating minimum standards (grounds appurtenant means something that is attached to, or belongs to, a building or piece of land in such a manner that it is part of the property, such as a shed, driveway, or yard). • Require CCR to consider the following when adopting minimum standards for General Residential Operations: <ul style="list-style-type: none"> ○ The precautions required when caring for victims of human trafficking; ○ The operation’s role in protecting victims of human trafficking; and ○ The vulnerability of victims of human trafficking persons on the grounds of a General Residential Operation providing services to children with emotional disorders. <p>Section 20 adds Human Resources Code §42.068 to:</p> <ul style="list-style-type: none"> • Require CCR to create and provide at no charge “No Trespassing” notices that meet specific criteria for size and wording to General Residential Operations providing treatment services for children with emotional disorders; • Require General Residential Operations providing treatment services for children with emotional disorders to post the “No Trespassing” notices at specific locations on the grounds of the operation; and • Create a Class C misdemeanor offense if a person who operates a General Residential Operation that provides treatment services for children with emotional disorders fails to display the “No Trespassing” notices as required before the end of the 30th business day after HHSC provides the operation with the notices. <p><u>Rules:</u> CCR will propose relevant rule amendments to 26 TAC Chapters 748 (Minimum Standards for General Residential Operations) and 749 (Minimum Standards for Child-Placing Agencies).</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not need to take any action until rules are adopted.</p> <p>Regarding the “No Trespassing” notices, no action is needed until after CCR creates and distributes the “No Trespassing” notices to general residential operations that provide treatment services for children with emotional disorders. CCR will provide additional guidance regarding these notices to these operations when CCR distributes the notices.</p>	<p>For changes to minimum standards required by §42.042, CCR will communicate a date for compliance when CCR notifies you rules have been adopted. For the “No Trespassing” notices, CCR will communicate a date for compliance when CCR provides the notices to general residential operations providing treatment services for children with emotional disorders.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 1927 SECTION 14</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTION 14 amends Human Resources Code §42.042 (e-2) to:</p> <ul style="list-style-type: none"> • Update language related to when a foster parent can transport a child in care in a vehicle with a handgun from instances when the foster parent is “licensed to carry” the handgun to instances when the foster parent “is not otherwise prohibited by law” from carrying a handgun. <p><u>Rule Changes:</u> CCR will propose relevant rule amendments to 26 TAC §749.2961.</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>Beginning 09/01/2021, a caregiver may transport a child in care in a vehicle where a handgun is present if:</p> <ul style="list-style-type: none"> • The handgun is in the possession and control of the caregiver; and • The caregiver is not prohibited by law from carrying a handgun. <p>Prior to the amendment, the caregiver had to be licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.</p> <p>If you have policies related to caregivers transporting children in care in a vehicle where a handgun is present, you must update your policies to be consistent with the change in the law.</p>	<p>09/01/2021</p>

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 3379 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Family Code (FC) §261.101 to:</p> <ul style="list-style-type: none"> • Clarify that the person or professional reporting abuse or neglect of a child must have "reasonable cause to believe" that the child's physical, mental health, or welfare has been adversely affected by the abuse or neglect. <p><u>Rule Changes:</u> CCR does not need to amend rules to implement this legislation because minimum standards related to reporting abuse, neglect, and exploitation simply reference the Texas Family Code statute.</p>	<p>You must continue to ensure that abuse, neglect, and exploitation are reported to the Texas Department of Family and Protective Services (DFPS) in accordance with Texas Family Code §261.101, as required by minimum standards. You should ensure any policies, procedures, orientation content, and training content related to the reporting of abuse, neglect, and exploitation are consistent with the change in the law. You can contact DFPS for additional information regarding the change to this law.</p>	<p>09/01/2021</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 225 SECTIONS 5 and 9 <i>This law applies General Residential Operations</i></p> <p><i>Effective 09/01/2021</i></p>	<p>Amends Human Resources Code §42.048(e) and 42.048(e-3) to:</p> <ul style="list-style-type: none"> • Delete the current requirement that a license is automatically revoked when a General Residential Operation changes locations; • Require the operation to inform CCR of the move before it happens; and • Allow the licensed operation to operate at the new location after CCR approves the location as meeting all minimum standards. <p><i>This change does not apply to Child-Placing Agencies because existing rules allow CPAs to change locations without CCR revoking the license.</i></p> <p><u>Rule Changes:</u> CCR will propose relevant rule amendments to 26 TAC Chapters 745 (Licensing) and 748 (Minimum Standards for General Residential Operations).</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>If you are going to relocate your General Residential Operation, no later than 15 days prior to the move, you must:</p> <ul style="list-style-type: none"> • notify us of the move; and • provide us with your new address. <p>We will inspect your new location. If the new location complies with the minimum standards, we will amend the permit to reflect the new address. The issuance date that is on your original permit will remain in effect. There is no additional fee for your change in location.</p> <p>If you move without giving CCR timely notification of the move, your license may be revoked.</p>	<p>09/01/2021</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 225 SECTIONS 6 and 7 (in part) <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 6 and 7 Amend multiple sections of Human Resources Code, Chapter 42, to:</p> <ul style="list-style-type: none"> • Require CCR to review the five-year compliance history for patterns of violations before renewing the permit of licensed operations. <p>The above-listed sections of this bill require appropriation of funds for implementation. SECTION 10 of the bill states that CCR may, but is not required to, implement these sections if the legislature did not appropriate money specifically for their implementation. Therefore, as funding permits, CCR will implement this section of the legislation.</p>	<p>You do not need to take any action unless CCR implements these sections of the Senate Bill 225.</p>	<p>If CCR implements these sections of Senate Bill 225, CCR will notify you of the requirements and timeframe for complying.</p>
<p>SENATE BILL 764 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>Adds Human Resource Code §42.072(d-1) to:</p> <ul style="list-style-type: none"> • Clarify that a facility cannot operate pending the suspension or denial of a permit. • This was not a substantive change in the law, as subsection (e) of this statute already only allowed an operation to operate pending appeal of a revocation or refusal to renew. <p><u>Rule Changes</u> CCR will propose relevant rule amendments when CCR moves Subchapter M (Administrative Reviews and Due Process Hearings) from 40 TAC Chapter 745 to 26 TAC Chapter 745.</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not have to take any action unless CCR notifies you that CCR is:</p> <ul style="list-style-type: none"> • suspending your permit; • denying your application for an initial license; or • denying your application for a full license. 	<p>N/A</p>

<p>SENATE BILL 863 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 05/15/2021</i></p>	<p>Amends Human Resource Code §42.048 and Government Code Chapter 418 to:</p> <ul style="list-style-type: none"> • Allow CCR to approve a General Residential Operation (GRO), Child-Placing Agency (CPA), or Agency Foster Home to temporarily move to a new location or to provide care for a child at a different location during a declared disaster. <p><u>Rule Changes</u> CCR will propose relevant rule amendments to:</p> <ul style="list-style-type: none"> • 26 TAC Chapter 745, Subchapter D, Division 10, Relocation of Operation; • 40 TAC Chapter 745, Subchapter K, Division 4, Voluntary Actions, when CCR moves this subchapter to 26 TAC Chapter 745; • 26 TAC Chapter 748 (Minimum Standards for General Residential Operations); and • 26 TAC Chapter 749 (Minimum Standards for Child-Placing Agencies). <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>Notify CCR if:</p> <ul style="list-style-type: none"> • The governor declares a disaster for the county where your GRO, CPA, or Agency Foster Home is located; and • you determine that you or the agency foster home must either: <ul style="list-style-type: none"> ○ Temporarily relocate to a new location that is not stated on the license or foster home verification (as applicable); or ○ Provide care to one or more children at an additional location that is not stated on the license or foster home verification (as applicable). <p>You must also notify CCR when you or an agency foster home you verified return to the location stated on the license or foster</p>	<p>Effective immediately, will need to communicate with CCR before temporarily relocated due to a declared state of disaster.</p> <p>Additional information will be provided as CCR develops rules necessary to implement this bill.</p>
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Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 1896 SECTION 2 <i>This law applies to Child-Placing Agencies that are contracted with DFPS as Single Source Continuum Contractors.</i></p> <p><i>Effective 09/01/2021</i></p>	<p>SECTION 2 amends Family Code §264.107(g) to:</p> <ul style="list-style-type: none"> • Allow a single source continuum contractor (SSCC) to provide temporary emergency care for a child under certain qualified circumstances; and • Clarifies that employees of contractors, as well as DFPS, may provide emergency temporary care for a child if the contractor is unable to find an appropriate placement for the child. <p><u>Rule Changes</u> If needed, CCR will propose rules in 26 TAC Chapter 749 (Minimum Standards for Child-Placing Agencies). During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>home verification (as applicable).</p> <p>You do not need to take any action until CCR provides additional direction.</p>	<p>When CCR provides you with additional direction, CCR will communicate a date for compliance.</p>
<p>SENATE BILL 1896 SECTION 5 <i>This law applies to Child-Placing Agencies that are contracted with DFPS as Single Source Continuum Contractors.</i></p> <p><i>Effective 09/01/2021</i></p>	<p>SECTION 5 amends Texas Family Code §264.1261 to:</p> <ul style="list-style-type: none"> • Require Health and Human Services Commission (HHSC) to collaborate with DFPS and each SSCC to develop a plan to increase the placement capacity in each catchment area (geographical service area) to eliminate the need to place a child outside the child's community. <p><u>Rule Changes</u> If needed, CCR will propose rules to implement workgroup recommendations.</p>	<p>While not required by rules, CCR requests that each SSCC collaborate with HHSC and DFPS in the work to develop a plan to increase the placement capacity in each catchment area.</p>	<p>When HHSC and DFPS contact you for collaborating on this project.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 1896 SECTIONS 20, 23, 28 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 20, 23, and 28 add Human Resources Code §42.0433 and amend §42.252(c) to:</p> <ul style="list-style-type: none"> • Require CCR to create and adopt a suicide prevention, intervention, and postvention model policy in minimum standard rules by July 2022; • Require General Residential Operations and Child-Placing Agencies to adopt the model policy or develop another suicide prevention, intervention, and postvention policy approved by the executive commissioner; and • Require General Residential Operation applicants that plan to provide treatment services for children with emotional disorders to include the suicide prevention, intervention, and postvention model policy in the Operational Plan portion of an application. <p><u>Rule Changes:</u> CCR will propose rule amendments to the following chapters in 26 TAC:</p> <ul style="list-style-type: none"> • Chapter 745 (Licensing); • Chapter 748 (Minimum Standards for General Residential Operations); and • Chapter 749 (Minimum Standards for Child-Placing Agencies). <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not have to take any action until amended rules are adopted.</p>	<p>N/A</p>
<p>SENATE BILL 1896 SECTION 22 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTION 22 amends the Human Resource Code §42.080 to:</p> <ul style="list-style-type: none"> • Limit CCR’s ability to cite or take an enforcement action against a GRO or CPA for not having a license administrator for less than 60 days if the GRO or CPA has made substantial efforts to hire a qualified administrator. <p><u>Rule Changes:</u> CCR will propose rule changes in the future. Until rule changes are effective, CCR inspectors will follow the statutory requirement, which is also current regulatory practice.</p>	<p>Your operation should continue to comply with current minimum standards, administrative rules, and Human Resources Code statute related to having a qualified administrator.</p>	<p>Effective immediately, CCR will be limited in its ability to act as detailed in this bill.</p> <p>This will not require any additional actions on your part.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 1896 SECTIONS 21, 24, 32 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 21, 24, and 32 amend the Human Resources Code to:</p> <ul style="list-style-type: none"> • Require CCR to allow Child-Placing Agencies to issue provisional verifications for kinship homes who meet basic safety requirements; • Require General Residential Operations that provide care to children with emotional disorders to: <ul style="list-style-type: none"> ○ submit to CCR on the issuance of an initial license or renewal, information on the operations treatment model which is evaluated annually; ○ evaluate a child before admission; and ○ develop a transition plan for each child who has been at the operation for more than six months; and • Direct CCR to adopt new minimum standards for continuum of care operations, cottage home operations, and specialized child care homes by January 1, 2024. <p>The above-listed sections of this bill require appropriation of funds for implementation. SECTION 35 of the bill states that CCR may, but is not required to, implement these sections if the legislature did not appropriate money specifically for their implementation. Therefore, as funding permits, CCR will implement this section of the legislation.</p>	<p>You do not need to take any action unless CCR implements these sections of the Senate Bill 1896.</p>	<p>N/A</p>
<p>SENATE BILL 1896 SECTION 25 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Child Care Administrators</i> • <i>Child-Placing Agency Administrators</i> <p><i>Effective 09/01/2021</i></p>	<p>SECTION 25 amends Human Resource Code §43.0081 to:</p> <ul style="list-style-type: none"> • Allow CCR to issue a provisional administrator license when a person does not meet the one-year experience requirement, but otherwise qualifies for a license. CCR may establish additional requirements for the issuance of a provisional administrator license as determined appropriate. <p>The above-listed section of this bill require appropriation of funds for implementation. SECTION 35 of the bill states that CCR may, but is not required to, implement these sections if the legislature did not appropriate money specifically for their implementation. Therefore, as funding permits, CCR will implement this section of the legislation.</p>	<p>You do not need to take any action. The requirements in this bill outline what CCR may do when processing applications for an administrator's license.</p>	<p>N/A</p>

Below is information on bills that may impact your operation but do not require CCR to take any action to implement the requirements in the law.

Bill Number	Summary
<p><u>HOUSE BILL 567</u> <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Family Code §261.001(4) to:</p> <ul style="list-style-type: none"> • Change the criteria outlined in the definition of “neglect” DFPS uses to determine findings for investigations involving allegations of neglect of a child.
<p><u>SENATE BILL 922</u> <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Agency Foster Homes</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Government Code §411.0865 to:</p> <ul style="list-style-type: none"> • Provide directive to the Texas Department of Public Safety (DPS) relating to contracts with vendors who provide fingerprinting services.
<p><u>SENATE BILL 1575</u> <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Texas Family Code (TFC) §§263.00201, 264.018(a)(5), and §264.1077 to:</p> <ul style="list-style-type: none"> • Add new requirements for ongoing assessments of children placed by DFPS to determine if that is the most appropriate placement for the child.