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# **Introduction to Minimum Standards for Listed Family Homes**

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Presented by  
**Child Care Regulation**

# Learning Objectives



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After taking this training, you will be familiar with:

- ❖ What minimum standards are,
- ❖ The reason Child Care Regulation (CCR) created minimum standards for listed family homes,
- ❖ How CCR will regulate your home, and
- ❖ Minimum standards regarding caregivers, caregiver qualifications, and caregiver responsibilities

# Child Care Regulation and You



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CCR's goal is to protect children by educating and regulating child care providers.

What we do:

- ❖ Inform parents and the public about child care, including how specific child care operations are complying with Minimum Standards of care.
- ❖ Give child-care providers technical assistance on meeting child care Minimum Standards, rules, and laws.
- ❖ Investigate complaints alleging violations of Minimum Standards in listed family homes.

# Recent Changes Impacting Listed Family Homes



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- ❖ The Human Resources Code, Chapter 42, is a Texas law that gives Child Care Regulation the authority to protect the health, safety, and well-being of children by establishing statewide Minimum Standards for their safety and protection and by regulating facilities.
- ❖ The Texas Legislature passed a law in 2019 (Senate Bill 569) that added requirements for listed family homes.



# Recent Changes Impacting Listed Family Homes (Part 2)



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The new law:

1. Requires CCR to develop minimum standards for listed family homes;
2. Requires CCR to investigate a complaint that a listed family home violated a minimum standard;
3. Requires CCR to post a listed family home's inspection history on the Search Texas Child Care website;
4. Requires an applicant for a listed family home to complete safe sleeping training before CCR may issue a listing; and
5. Adds liability insurance requirements for listed family homes.



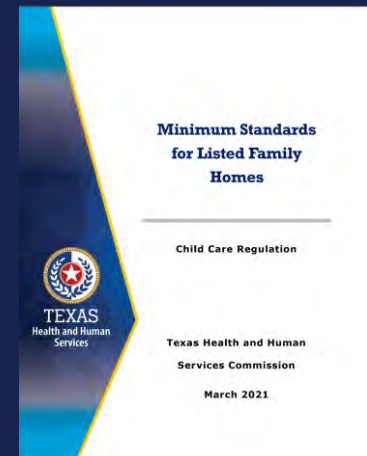
# What are Minimum Standards?



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- ❖ In short, Minimum Standards are rules for child care in Texas. All types of child care in Texas have minimum standards.
- ❖ Once proposed, reviewed and adopted, these rules become part of the Texas Administrative Code.
- ❖ Minimum Standards for listed family homes are located in Chapter 742 of the Texas Administrative Code.

Chapter 742  
Listed Family  
Homes



# What are Minimum Standards? (cont.)



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❖ Each minimum standard has a weight. The weight is based on the risk that a violation of that standard presents to children.

- High
- Medium High
- Medium
- Medium low
- Low
- No weight

❖ Minimum standards that cannot be cited, such as definitions, have no weight.

The screenshot shows the Texas Health and Human Services website. The header includes the agency logo and name, a search bar, and navigation links: ABOUT HHS, SERVICES, DOING BUSINESS WITH HHS, LAWS & REGULATIONS, and CONTACT. The main heading is "Minimum Standards". Below it is a breadcrumb trail: Home / Doing Business with HHS / Provider Portals / Protective Services Providers / Child Care Licensing / Minimum Standards. The content area is divided into two columns. The left column lists various standards with icons and weights: Contract Management (High), Contracting with HHS (High), Grants (Medium), Licensing, Credentialing & Regulation (Medium), Medicaid Provider Enrollment (Medium), Open Enrollment Opportunities (Medium), Provider Portal (Medium), Respite Services Provider (Medium), Behavioral Health Services Providers (Medium), Clinical Lab Reporting (Medium), Health Care Facilities Regulation (Medium), Health Services Providers (Medium), Long-term Care Providers (Medium), Medicaid Supplemental Payment & Direct Payment Programs (Medium), and Protective Services Providers (Medium). The right column contains text explaining the purpose of the standards, the role of the HHS Child Care Licensing Department, and the weighting system. It states that Chapter 42 of the Texas Human Resources Code requires the commission to regulate child care and child-placing activities, and that the standards are based on the risk they present to children. It also mentions that the standards are assigned weights (high, medium, medium-high, medium-low, or low) based on the risk of a violation, and that these weights are used to prioritize deficiencies and set priorities for corrections.



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# **So where can I find the Minimum Standards?**



# Where to find the Minimum Standards



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- ❖ You can find the weights of the minimum standards for listed family homes on our website.

<https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/minimum-standards>

# Minimum Standards and Helpful Information Box



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## Subchapter C: Caregiver Qualifications and Responsibilities

### §742.301. What types of minimum qualifications must caregivers have?

Primary caregivers and substitute caregivers must:

- (1) Be at least 18 years of age[Medium]; and
- (2) Meet the requirements in Chapter 745, Subchapter F of this title (relating to Background Checks).

#### Helpful Information

- Some recommended topics of training for caregivers include:
  - Pediatric First-Aid with Rescue Breathing and Choking;
  - Cardiopulmonary Resuscitation (CPR);
  - Reporting Child Abuse and Neglect;
  - Poison Prevention and Safety;
  - Administering Medication; and
  - Transportation Safety.
- For more training information, see the HHSC website at <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/child-day-care-provider>.

- ❖ Some Minimum Standards also have a Helpful Information box.
- ❖ These contain information that may be useful or provide additional resources to find more information.

# Effective Date



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New Minimum Standards for listed family homes became effective March 10, 2021, which is when listed family homes are required to follow the new standards.

As of that date, Child Care Regulation will investigate complaints that a listed family home violated a minimum standard.

# What Does the Regulatory Process Look Like?



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The regulatory process includes several pieces:

- ❖ Technical Assistance
- ❖ Investigations
- ❖ Violations (or Deficiencies)

# What is Technical Assistance?



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- ❖ Technical assistance is information, resources and forms given to you to help you comply with the minimum standards.
- ❖ The Technical Assistance Library is a collection of resources and can be found on the HHSC website
- ❖ These resources are available for providers and parents to work towards our common goal of protecting the health, safety and well-being of children in out of home care in Texas.



# Technical Assistance Library



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- ❖ The Technical Assistance Library has a lot of great information and it is all free!!

- ❖ It can be found:

[https://www.dfps.state.tx.us/Child\\_Care/Search\\_Texas\\_Child\\_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx](https://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx)

February 2022

The screenshot shows the Texas Health and Human Services Technical Assistance Library website. The header includes the Texas Health and Human Services logo and the text "TEXAS Health and Human Services". A search bar indicates "Search is not available on this page." Below the header, the "Technical Assistance Library" title is displayed. A breadcrumb trail shows the path: "DFPS Home > Child Care > Search Texas Child Care > Child-Care Regulation Account Main Page > Technical Assistance Library".

The main content area is titled "Child Care Regulation" and includes a "Technical Assistance" section. It provides information about the provision of information, advice, training, and consultation to child care operations. A search bar is present with the text "Search TA Library: [Enter topic]".

On the left, there are two sections: "PARENTS" and "PROVIDERS". The "PARENTS" section includes links for "Information for Parents" and "Search Texas Child Care". The "PROVIDERS" section includes links for "Information for Providers", "Licensed Administrators", and "Provider Login & Background Checks".

The "Refine Search:" section on the left allows users to filter by "Program Area" (Day Care, Other, Residential Care) and "Operation Type" (Agency Home, Before/After School Program, Child Care Program, Child Placing Agency, Exemption Request, General Residential Operation, Illegal).

The "Technical Assistance Documents" section displays a table of documents. The table has columns for "Program", "Operation Type", "Title", "Description", and "Standard Section". The table lists several documents, including "Accommodating Special Diets in Child Care" and "Active Shooter Emergency Action Plan Template".

Program	Operation Type	Title	Description	Standard Section
Program: Day Care (Continued on the next page)	Operation Type: Before/After School Program (Continued on the next page)	Accommodating Special Diets in Child Care	Tips for accommodating special diets ranging from food allergies to parental preferences. (English)	Administration and Communication, Nutrition and Food Service
		Accommodating Special Diets in Child Care (Spanish)	Tips for accommodating special diets ranging from food allergies to parental preferences. (Spanish)	Administration and Communication, Nutrition and Food Service
		Accommodating Special Diets in Child Care (Vietnamese)	Tips for accommodating special diets ranging from food allergies to parental preferences. (Vietnamese)	Administration and Communication, Nutrition and Food Service
		Active Shooter Emergency Action Plan Template	This emergency action plan template is to help organizations prepare their personnel for active shooter scenarios. (English)	Administration and Communication, Fire Safety, Personnel, Safety Practices
		Active Shooter Resource: What You Can Do	Run, Hide, Fight-resource to share with staff to prepare for an active shooter scenarios. (English)	Administration and Communication, Personnel, Safety Practices

# Investigations



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Now we will discuss investigations:

- ❖ Investigation Procedure
- ❖ DFPS Investigations vs. HHSC Investigations
- ❖ Investigation Conclusion

# How Does an Investigation Start?



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- ❖ An investigation will occur when DFPS and/or Child Care Regulation receives a report or complaint from the public regarding a possible violation of the Minimum Standards.
- ❖ Child Care Regulation investigates the possible violations and determines whether the Minimum Standard rules are being followed.
- ❖ The Department of Family and Protective Services (DFPS) investigates allegations of Abuse, Neglect or Exploitation.
- ❖ Let's discuss the process...

# What Will Happen During an Investigation?



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- ❖ The purpose of an investigation is to determine whether minimum standards were violated and to assess risk to children in your care.
- ❖ During the investigation, the Child Care Regulation staff will:
  - Walk through each area children use or have access to and look for obvious safety hazards;
  - Review files and records for required paperwork or documentation;
  - Speak with others who may have knowledge about the home and the information in the report (children, parents, household members, etc.)

# What Happens If a Violation Is Found During an Investigation?



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- ❖ A violation, also referred to as a deficiency, is any failure to comply with a Child Care Regulation Minimum Standard, rule or law.
- ❖ When Child Care Regulation determines that you violated a minimum standard, we will conduct follow up activities, which may include an inspection, to verify that you corrected the violation.
- ❖ You will also receive a letter upon the conclusion of the investigation. This letter will inform you if we found any violations of minimum standards.
- ❖ **A violation is posted to the operation's public online record (official State of Texas website on daycare) after the operation has had the opportunity to dispute the violation.**
- ❖ Child Care Regulation may take further action, depending on the results of the investigation.



# How Do I Dispute a Violation?



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- ❖ If you disagree with a violation, you may send a written request to Child Care Regulation for an administrative review.
- ❖ The written request must be sent within 15 days of being notified about the violation.
- ❖ A meeting is held with you to discuss the violation, review documents and make a final decision to uphold or overturn the violation.
- ❖ **If the violation is upheld, it will be posted to your operation's public online record. If overturned, the operation will be found in compliance with that particular standard.**

# Technical Assistance Period



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CCR will not cite your home for a violation of the new Minimum Standards for the period of March 10, 2021 through September 10, 2021.

CCR will provide education, technical assistance, and support to providers during this time.

Violations identified after September 10, 2021, will follow the process identified on the two previous slides.



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**Now let's talk about...**

**Minimum Standards for Listed  
Family Homes  
Chapter 742**



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# **Minimum Standards for Listed Family Homes**

## **Chapter 742**

- ❖ **Subchapter A: Purpose, Scope, and Definitions**
- ❖ **Subchapter B: Caregivers**
- ❖ **Subchapter C: Caregiver Qualifications and Responsibilities**
- ❖ **Subchapter D: Notifications and Liability Insurance**
- ❖ **Subchapter E: Basic Care Requirements**
- ❖ **Subchapter F: Discipline and Guidance**
- ❖ **Subchapter G: Nutrition and Food**
- ❖ **Subchapter H: Health and Safety Practices**

# Subchapter A, Purpose, Scope, and Definitions

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## What is a Listed Family Home?

Provides care and supervision in the primary caregiver's own home:

- ❖ For compensation; (example: Money or services)
- ❖ For three or fewer children who are 13 years of age or younger and not related to the primary caregiver
- ❖ For at least four hours a day:
  - Three or more days a week, for three or more consecutive weeks; or
  - For 40 or more days in a 12-month period

You may not provide care for more than 12 children, including children related to the primary caregiver.



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## Subchapter A, Purpose, Scope, and Definitions – Part 2

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### Who is responsible for complying with Minimum Standards?

- ❖ The permit holder is responsible for complying with the Minimum Standards at all times.
- ❖ We will refer to this person as the primary caregiver/permit holder.



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# Subchapter B, Caregivers

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## Who is the Primary Caregiver?

- ❖ Primary Caregiver is the person responsible for ensuring compliance.

The primary caregiver must:

- ❖ Live in the home where care is provided.
- ❖ Be the permit holder.



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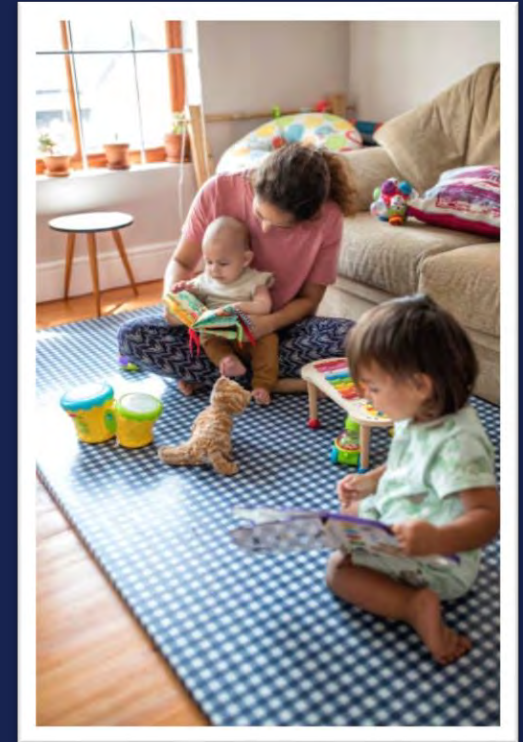
## Subchapter B, Caregivers – Part 2

### Primary Caregiver Responsibilities:

- ❖ Be present in the home during hours of operation.
- ❖ You may be temporarily absent, however, you must put a qualified, substitute caregiver in charge.

### A substitute must know:

- ❖ they are in charge,
- ❖ their responsibilities,
- ❖ where to access important information
  - Example: Contact numbers
- ❖ how to operate in compliance with Minimum Standards/Rules.



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# Subchapter C, Caregiver Qualifications and Responsibilities

Caregivers must:

- ❖ Be 18 years of age
- ❖ Meet background check requirements and follow rules for others in the home.
- ❖ Be responsible for the care and well-being of children in the home.
- ❖ Comply with Minimum Standards.
- ❖ Obtain the required admission information for children.
- ❖ Supervise children properly.
- ❖ Ensure that you do not care for more than 3 unrelated children or 12 total children at all times.



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# Subchapter C, Caregiver Qualifications and Responsibilities (cont.)

What general responsibilities do caregivers have?

All caregivers are responsible for seeing that children are:

- ❖ Treated with courtesy, respect, acceptance, and patience;
- ❖ Not abused, neglected, or exploited; and
- ❖ Released only to a parent or a person designated by a parent.



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# Subchapter C, Caregiver Qualifications and Responsibilities (cont. part 2)

What additional responsibilities do caregivers have?



- ❖ Must demonstrate competency, good judgment, and self-control in the presence of children
- ❖ Must know and comply with the minimum standards
- ❖ Must know each child's name and age
- ❖ Must supervise children at all times
- ❖ Must interact with children in a positive manner



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# Supervision

## What does “supervise children at all times” mean?

- ❖ Supervising children at all times means the primary caregiver and substitute caregiver are accountable **for each child’s care.**
- ❖ This includes responsibility for the ongoing activity of each child, being able to appropriately see and hear each child, physical proximity (near) and **knowledge of each child’s needs.**
- ❖ The caregiver must intervene when necessary to ensure **each child’s safety.**



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# Supervision (cont.)

## What does “supervise children at all times” mean?

❖ In deciding how closely to supervise children, the caregiver must take into account the:

1. Ages of the children;
2. Individual differences and abilities;
3. Layout of the home and play area; and
4. Neighborhood circumstances, hazards, and risks.



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# Background Checks

Primary caregivers are also responsible for:

- ❖ Initiating background checks on:
  - caregivers
  - household members
  - anyone else who requires a background check

Child-Care Regulation Account Login

DFPS Home > Child Care > Search Texas Child Care > This Page

Child Care Regulation

**PARENTS**

- Information for Parents
- Search Texas Child Care

**PROVIDERS**

- Information for Providers
- Licensed Administrators
- Provider Login & Background Checks

This page allows you to login to your online provider account. Within your account, you can perform a variety of tasks.

Create an Account Before Logging In!

- Child Care Home Provider
- Child Care Center-Based Provider
- 24-Hour Residential Care Provider

Once you have completed Pre-Application activities:

- Complete Online Registration

What can I do within my account?

As an applicant applying online, you can:

- Sign up for a Child Care Licensing Pre-Application class (once you receive notification via your online account).
- Submit an online eApplication to become a child care provider
- View your application status
- View the status of any required paper forms

**LOGIN**

Please enter your User ID and Password below to access your account.

**WARNING:** You are about to login to a secure site. If you leave your Provider site, you may be required to login again.

User ID:

Password:

Login Reset

Forgot your User ID or Password?

**Attention:** Please use Google Chrome or Internet Explorer to access your account.

**Note:** If attempting to use any other internet browser not listed above, including Edge, Safari and Firefox, users may experience issues when attempting to enter background checks, add controlling persons, update the governing body, or use the address validation function.

Help

- ❖ You may run background checks through your online Child Care Regulation Account:

[https://www.dfps.state.tx.us/Child\\_Care/Search\\_Texas\\_Child\\_Care/ppFacilityLogin.asp](https://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilityLogin.asp)



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# Subchapter C, Caregiver Qualifications and Responsibilities - Continued

Admission information for children should include:

- ❖ Child's name and date of birth
- ❖ Parent's home address and telephone number
- ❖ The names of other persons the child may be released to
- ❖ A list of each food a child is allergic too, possible symptoms if the child is exposed to the food, and the steps to take if the child has an allergic reaction; and
- ❖ Authorization to give the child medication, if applicable





# Subchapter C, Caregiver Qualifications and Responsibilities - Continued

Make sure of the following:

- ❖ The number of children not related to the primary caregiver is never over three
- ❖ The total number of children, both related and not related to the primary caregiver is never more than 12.
- ❖ Ensure parents can visit your home any time during the hours of operation without having to secure prior approval.



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# Communication



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## How does CCR communicate with you?

- ❖ CCR will communicate with you primarily via email. If you need to update your email with CCR, please contact your local office or email [msc@hhs.texas.gov](mailto:msc@hhs.texas.gov).
- ❖ Messages will be posted on the CCR News & Alerts section of the website: <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing>
- ❖ CCR uses GovDelivery email services to send notices to providers
- ❖ **Your online account's Message Board will alert you of certain actions you need to take**

# How to Contact Child Care Regulation

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- ❖ By phone 24 hours a day to the Texas Abuse and Neglect Hotline: 1-800-252-5400; or
- ❖ By speaking to a CCR Representative employee during business hours at the local office.
- ❖ Phone numbers for the local offices can be found at:

[http://www.dfps.state.tx.us/Child\\_Care/Local\\_Child\\_Care\\_Licensing\\_Offices/default.asp](http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp)

Note: Your local office cannot take reports of Abuse or Neglect – You must report through the Texas Abuse and Neglect Hotline



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# How to Contact Child Care Regulation (cont.)

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Additional Numbers:

Background Check Unit:

1-800-645-7549

State Office Number:

1-800-862-5252



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# Summary



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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 Texas.

There are two additional sessions in the series. We encourage you to participate in all three. If you have signed up for the next sessions, please use the link emailed to you.





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# Thank you

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