

Guidelines for Listed Family Homes

This information sheet is designed to help you understand the laws and rules governing listed family homes.

Directions: If you have questions regarding listed family homes, contact the local Child Care Regulation (CCR) office. A list of offices can be found at <https://hhs.texas.gov/services/safety/child-care/contact-child-care-licensing>.

A family home provider who is compensated* to provide regular care** for one to three unrelated children in the provider's own home must **list** with the Child Care Regulation department of the Texas Health and Human Services Commission (HHSC). A provider who is required to get a listing **may** apply for a registration instead; but a provider with a registration must comply with minimum standards for registered child care homes.

*You are compensated if you receive anything of value in exchange for the care you are providing.

**You are providing regular care if you care for a child for four or more hours per day, for three or more days per week and for three or more consecutive weeks, or for four hours per day for 40 or more days in a period of 12 months.

Following are the legal requirements for a Listed Family Home provider:

A. People in the Home

1. The provider must submit a completed [Child Care Licensing Request for Background Check](#) form for the provider, any resident of the home who is 14 years old or older, and any person who regularly or frequently visits the home while the children are in care. The provider and any resident aged 14 years or older must also complete an FBI fingerprint check.
2. The provider must submit a completed [Child Care Licensing Request for Background Check](#) every 5 years that includes the provider, all residents of the home who are 14 years old or older, and all persons who regularly or frequently visit the home while the children are in care, and may be left alone with children. Failure to submit the required background checks will result in the automatic suspension of the home's listing. If the background checks are not received within six months of the due date, the listing will be automatically revoked.
3. A person is regularly or frequently present if the person is at the home:
 - on a scheduled basis;

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- for three or more non-continuous visits in a 30-day period;
 - for one continuous stay that exceeds seven days; or
 - for three or more continuous stays per year, and the duration of each stay exceeds 48 hours.
4. Overview of Background Check rules for Listed Family Homes is available on the HHSC Website:
- Listed Family Homes caring for Unrelated Children:
<https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/protective-services/ccl/background-checks/bgc-rule-change-overview-listed-family-homes.pdf>
 - Relative Only – Listed Family Homes:
<https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/protective-services/ccl/background-checks/bgc-rule-change-overview-tsp-sebcc-lfhr.pdf>
5. A conviction for any of the offenses included in the chart posted on the CCR website may affect a person's ability to be in the home or to have contact with children in care. The chart lists the action required regarding any criminal convictions for persons that reside in a listed family home: <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/protective-services/ccl/criminal-history/reg-list-home-chart.pdf>.
6. Until charges are dropped, a person who is indicted for any of the offenses listed in the chart linked in #5 above, or who is the subject of an official criminal complaint (related to those offenses) that has been accepted by a county or district attorney, must not be in the home or have contact with children who are in care.
7. You must receive notification from Child Care Regulation's Centralized Background Check Unit (CBCU) that a person is eligible or eligible with conditions before the person can work or be present at your home.

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8. You must notify CCR of any indictment or complaint within 24 hours of your awareness or by the next workday. You must also notify the CCR if a person who is subject to background has been arrested for a crime, so that the CBCU may determine whether the person may be present at the home while children are in care.

You may contact CCR through the CBCU support line (800-645-7549) or by directly contacting the CBCU inspector assigned to your operation. The list of inspectors and respective regional assignments may be found at <https://www.hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/child-care-licensing-background-checks/centralized-background-check-unit>.

9. When a person is no longer associated with your operation or home (for example, a person leaves employment, moves out of the home, or does not otherwise require a background check), you must inactivate the person's association with your operation. A listed home must validate that the list of people associated with your operation is accurate at least once a year. You may complete these tasks through your online Child Care Licensing Account or by contacting your local CCR office.

B. Number of Children in Care

1. Once listed by CCR, you may care for one to three unrelated children in your home. You must obtain a registration or license to care for more than three unrelated children in your home.
2. If you are listed to care only for children related to you, you may not care for any unrelated children. If you decide to provide care to unrelated children, you must contact CCR to obtain a different permit.
3. The total number of children in a listed family home, **including** those related to the provider, may not exceed 12 at any given time. Children who are related to the provider are his or her children, grandchildren, great-grandchildren, first cousins, siblings, nieces, and nephews.

C. Minimum Standards for Listed Family Homes

A listed family home caring for unrelated children must comply with 26 Texas Administrative Code Chapter 742 Minimum Standards for Listed Family Homes at all times. CCR will investigate complaints of possible violations of minimum standards in a listed family home caring for unrelated children.

The Texas Health and Human Services Commission (HHSC) developed the minimum standards with the assistance of child-care providers, parents, lawyers, doctors, and other experts in a variety of fields. Chapter 42, Texas Human Resources Code sets guidelines for what the minimum standards for listed family homes must include.

The Minimum Standards for Listed Family Home can be found on the HHSC website:

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

D. Abuse, Neglect, or Exploitation of Children in Care

1. Children must not be abused, neglected, or exploited while in the listed family home. [See 26 TAC Sec. 742.303\(1\)\(B\)](#). If the Department of Family and Protective Service (DFPS) receives a report of abuse, neglect, or exploitation of children in a listed family home, an investigator is assigned to visit the home and investigate the complaint.
2. If a child appears to have been abused or neglected when the child comes to the listed family home, the caregiver must call and report the abuse or neglect to the Texas Department of Family and Protective Services (DFPS) or the nearest law enforcement agency immediately. This is required by Chapter 261 of the Texas Family Code, Investigation of Report of Child Abuse and Neglect. This law provides immunity to anyone who makes a good faith report. **The 24-hour, toll-free number for reporting child abuse and neglect is 1-800-252-5400; an e-report can also be filed at <https://txabusehotline.org>.**
3. The Texas Department of Family and Protective Services (DFPS) will investigate complaints of possible abuse, neglect, or exploitation of children in a listed family home caring for related or unrelated children.

E. Provider (Primary Caregiver)

As the primary caregiver, I will be required to:

1. meet all requirements of a listed family home in the Human Resources Code, Chapter 42, and 26 Texas Administrative Code, Chapters 742 and 745, as applicable.
2. be at least 18 years old.
3. complete at least one hour of safe sleeping training before CCR may issue a listing.
4. provide proof of liability insurance or documentation that I am unable to obtain liability insurance and a copy of the notice to parents that informs them that I do not have liability insurance.
5. show the listing certificate to any parent who requests to see it.
6. pay the annual listing fee and any background checks fees to maintain a listing with the state. Failure to submit payment for the fee(s) when due will result in the automatic suspension of the home's listing. If payment of the fee(s) is not made within six months of the due date, the listing will be automatically revoked.

F. Advertising a Listed Family Home

A family home may not place a public advertisement that uses the title "listed family home" or any variation of the phrase unless the home is listed as provided by the Human Resources Code Chapter 42.0522(b).

Any public advertisement for a listed family home that uses the title "listed family home" must contain a provision in bold type stating: **'THIS HOME IS A LISTED FAMILY HOME. IT IS NOT LICENSED OR REGISTERED WITH THE HEALTH AND HUMAN SERVICES COMMISSION. A LISTED FAMILY HOME HAS LIMITED MINIMUM STANDARDS AND IS NOT INSPECTED UNLESS A COMPLAINT IS FILED WITH THE COMMISSION.'**

G. Liability Insurance Requirements

A listed family home shall maintain liability insurance coverage in the amount of \$300,000 for each occurrence of negligence. An insurance policy or contract required must cover injury to a child that occurs while the child is on the premises of or in the care of the listed family home.

G. Liability Insurance Requirements

You do not have to have liability insurance that meets the requirements if you are unable to carry the insurance because:

- (1) Of financial reasons;
- (2) You are unable to locate an underwriter who is willing to issue a policy to the home; or
- (3) You have already exhausted the limits of a policy that met the requirements.

Parent Notification for Lack of Insurance

If you are unable to carry the liability insurance or stop carrying the insurance because of a reason listed above, you must send written notification to CCR by the anniversary date of the issuance of your permit to operate a listed family home. If you subsequently stop carrying the liability insurance, you must notify the parent of each child in your care in writing, within 30 days. You may use [Form 2962, Attachment A](#), Parental Notification of Lack of Required Liability Insurance, located on CCR's provider website to notify parents.

Annual Verification

You must annually verify your insurance status with CCR. The annual verification must be completed no later than the anniversary date of your listing. You will receive a message on the message board in your online provider account when this annual verification is due. You may complete the verification one of three ways:

- Updating information on the Liability Insurance History page of your online provider account;
- Submitting [Form 2962](#), Verification of Liability Insurance to CCR; or
- Sending the information required by Form 2962 to CCR.

If you have insurance, you also must send proof of insurance from your insurance company to CCR no later than the anniversary date of your listing permit.

H. Appeals and Court Challenges

If CCR denies a person a listing or revokes, or suspends a person's listing, CCR notifies the person in writing of the reasons for the revocation or denial and how to request an appeal.