

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 Licensing (CCL) office. A list of offices can be found at http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp.

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 Licensing Division 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 Request for Criminal History and Central Registry 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 Request for Criminal History and Central Registry Check every 24 months 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. 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, if the person is at the home:
 - on a scheduled basis;
 - 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. A person who has a history of abuse or neglect reported in the Department of Family and Protective Services (DFPS) Central Registry offenses may be unable to be in the home or to have contact with children in care. The Centralized Background Check Unit (CBCU) will inform you if a person has Central Registry history that bars the person's presence or requires a risk evaluation before a person may be allowed in the home or to have contact with children in care. In some circumstances, the CBCU may determine that a person who is currently the subject of a child abuse or neglect investigation poses an immediate threat or danger to the health or safety of children and may not have contact with children.
5. A conviction for any of the offenses included in the following chart posted on the CCL 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: http://www.dfps.state.tx.us/Child_Care/documents/Standards_and_Regulations/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 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. The provider must notify the CBCU of the indictments or complaints within 24 hours of awareness or by the next workday. The provider must also notify the CBCU 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.

B. Number of Children in Care

1. Once listed by CCL, a provider may care for one to three unrelated children in the provider's home. A provider caring for more than three unrelated children in his or her home must obtain a registration or license.
2. 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. Abuse and Neglect or Immediate Threat of Harm to Children in Care

1. Children must not be abused or neglected while in the listed family home. [See 40 TAC Sec. 745.8427](#). If CCL receives a report of abuse or neglect or immediate threat of harm to children in a listed family home, an investigator is assigned to visit the home and investigate the complaint.
2. If a child appears abused or neglected when the child comes to the listed family home, the caregiver must call and report the abuse or neglect to DFPS or the nearest law enforcement agency immediately. This is required in 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>.**

D. Provider (Caregiver)

1. The caregiver must meet all requirements of a listed family home required in the Human Resources Code, Chapter 42, and Texas Administrative Code, Chapter 745.
2. A caregiver must be at least 18 years old.
3. The caregiver must present the listing certificate to any parent who requests to see it.
4. The caregiver must pay the annual listing fee and any background checks fees, which includes the additional fee for FBI prints, 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.

E. 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 this chapter [Chapter 42 of the Human Resources Code]. 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 CHILD CARE LICENSING DIVISION OF THE HEALTH AND HUMAN SERVICES COMMISSION. IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED.'** " Section 42.0522 (b) of the Human Resources Code.

F. Appeals and Court Challenges

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