



Presentation to the House Committee on Human Services

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TEXAS
Health and Human
Services



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Oversight of Unaccompanied Children

- The U.S. Department of Health and Human Services (HHS) has custody of and must provide care to unaccompanied children
- Unaccompanied children (UC) apprehended by Customs and Border Protection are transferred to the care and custody of HHS's Office of Refugee Resettlement (ORR). ORR used two options to place these children:
 - ORR-funded residential care providers, which are private businesses operating residential care facilities that contract with the federal government; or
 - federal operations, which are on federal property, which are not subject to state regulation.
- Some general residential operations (GROs) and child placement agencies (CPAs) licensed by HHSC contracted with ORR for placement of unaccompanied children in their custody



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State Licensed Operations with ORR Contracts (prior to September 1, 2021)

*As of August 18, 2021	Total
Licensed ORR Capacity	8,619
UC Census	5,542
GROs Contracted with ORR	45
CPAs Contracted with ORR	6

In accordance with the Governor's declaration, HHSC discontinued state licensure of GROs performing this function as of August 30, 2021



Disaster Declaration

On May 31, 2021, Governor Abbott issued a disaster declaration and directed HHSC to discontinue state licensing of any child care facility that shelters or detains unlawfully present individuals

- A GRO cannot care for unlawfully present individuals under its GRO permits, effective August 30, 2021
- The declaration does not apply to child-care programs that are exempt from or otherwise not subject to regulation by HHSC
 - A program that provides 24-hour care exclusively to one or more individuals not lawfully present in the US who are in the custody of the federal government is an exempt program.
- The declaration does not apply to CPAs
- In accordance with the disaster declaration, HHSC issued emergency rules for impacted providers on July 13

Emergency Rules

For those GROs that opted to continue to provide care for unlawfully present individuals, they were required by rule to either:

- Relinquish their GRO permit prior to August 30, and operate solely as a program exempt from regulation; or
- Continue to operate as a GRO and provide care for unlawfully present individuals in a separately operated program that is exempt from regulation

Facilities opting to operate a licensed GRO and an exempt program were required to demonstrate how the two programs would be operated separately including:

- Separate caregivers for each program or caregivers that do not provide care at the GRO while caring for children in the exempt program; and
- Separate use of a GRO's building or grounds, excluding restrooms and indoor/outdoor activity areas that may be shared but supervision maintained



Facilities Providing Care to Unlawfully Present Individuals

GRO License Status	Total
Relinquish GRO license to operate an exempt	42
Retain GRO license, operate a separate exempt program	3

