

Legal Responsibility for Child-Care Licensing

Day Care and Residential Care: Statutory References

Social Security Act
 Human Resources Code, Chapters 40, 42, and 43
 Texas Family Code, Title 5
 Texas Government Code
 Texas Health and Safety Code, Chapter 249
 Texas Administrative Code, Title 40

Major Provisions:

- Develop minimum standards to promote the health, safety and well being of children in out-of-home care.
- Process applications and issue permits to child care operations (this is a term inclusive of child day care, residential child-care, and child-placing operations) meeting minimum standards.
- Inspect child-care operations to ensure they maintain compliance with minimum standards.
- Investigate complaints of abuse/neglect or standard violations and ensure appropriate corrective or adverse actions are taken.
- Conduct criminal background checks and DFPS central registry checks on all adult staff or caregivers, and youth age 14 – 18 who will be in frequent or regular contact with children in child-care operations.
- Provide technical assistance on compliance with minimum standards and encourage improvement of child-care operations.
- Educate and advise consumers of child-care operations by providing the operations' compliance history .

Other Programmatic Information:

Challenges:

- Appropriately and consistently enforcing minimum standards across operation type and throughout the state.
- Regulating Child-Placing Agencies as they grow in size, scope and complexity.
- Creating a system of weighted minimum standards in order to help quantify compliance.
- Meeting the growing training and technical assistance needs of the child-care community.
- Developing inclusive, appropriate, and effective relationships with child-care operations resulting in increased compliance and stronger protection for children.
- Determining Exemption Status for new and different types of child care operations.
- Providing technical assistance to child day care operations struggling to manage behavior problems exhibited by young children.
- Providing thorough, efficient and timely background check results to over a quarter of a million people seeking to work in child care, foster care or seeking to adopt a child.