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CHAPTER 313. REQUIREMENTS FOR PROVIDERS OF RELATIVE CHILDCARE

(Note: As directed by the Legislature in Section 10, Senate Bill 76, 82nd Texas Legislature Regular Session, the Texas Workforce Commission shall ensure that payments made on or after November 1, 2011, to providers of relative child care, as defined by Section 313.001 below are made only to providers with respect to whom a background and criminal history check has been conducted as required by this chapter.)

Sec. 313.001. Definitions

In this chapter:

- (1) "Department" means the Department of Family and Protective Services.
- (2) "Relative child care" means child care that is:
 - (A) funded wholly or partly from money received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. Section 9858 et seq.); and
 - (B) provided by a provider who:
 - (i) is at least 18 years of age;
 - (ii) complies with any federal or state requirements regarding subsidized child care that apply to the provider;
 - (iii) provides child-care services for less than 24 hours a day to a child who is, by marriage, blood relationship, or court decree:
 - (a) the grandchild of the provider;
 - (b) the great-grandchild of the provider;
 - (c) the sibling of the provider, and the child resides in a separate residence from the provider; or
 - (d) the niece or nephew of the provider; and
 - (iv) operates a listed family home under Chapter 42, Human Resources Code, that provides care for one or more children related to the provider and does not hold any other license or permit to provide child care under Chapter 42, Human Resources Code.

- (3) "Teen parent" means an individual 18 years of age or younger, or 19 years of age and fully enrolled in a secondary school in a program leading toward a high school diploma, who is the parent of a child.

Sec. 313.002. Location of Care

- (a) Except as provided by Subsections (b) and (c), relative child care must be provided in the child-care provider's home.
- (b) The commission shall allow relative child care in the child's home:
 - (1) for a disabled child and the child's siblings;
 - (2) for a child under 18 months of age and the child's siblings;
 - (3) for a child of a teen parent; and
 - (4) when the parent's work schedule necessitates child-care services during the evening, overnight, or on the weekend and taking the child outside of the child's home would be disruptive to the child.
- (c) The commission may allow relative child care in the child's home if the commission determines that other child-care provider arrangements are not available in the community.

Sec. 313.003. Listing as Family Home

A relative child-care provider must list the provider's home with the department as a family home.

Sec. 313.004. Notice of Background and Criminal History Checks

The commission must provide notice of the background and criminal history check requirement to the parent or guardian of the child who will receive care through a relative child-care provider before the parent or guardian selects the provider.

Sec. 313.005. Memorandum of Understanding

The commission and the department shall adopt a memorandum of understanding regarding the administration and payment of costs of listing a relative child-care provider as required by this chapter.