CHAPTER 422
S.B. No. 428
AN ACT
relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 42.056, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), the director, owner, or operator of a residential child-care facility is not required to submit to the department the information required under that subsection for use in conducting a background and criminal history check on a parent or other relative of a child who is a client in care at the facility if:

(1) the department has on file for the parent or relative a background and criminal history check; and

(2) the background and criminal history check was conducted within the two-year period preceding the date the parent or relative visits the client at the facility.

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 134, Nays 0, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 423
S.B. No. 430
AN ACT
relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.124 to read as follows:

Sec. 264.124. DAY CARE FOR FOSTER CHILD. (a) In this section, “day care” means the assessment, care, training, education, custody, treatment, or supervision of a foster child by a person other than the child’s foster parent for less than 24 hours a day, but at least two hours a day, three or more days a week.

(b) The department, in accordance with executive commissioner rule, shall implement a process to verify that each foster parent who is seeking monetary assistance from the department for day care for a foster child has attempted to find appropriate day-care services for the foster child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the foster parent must provide to the department to demonstrate compliance with the requirements established under this subsection.

(c) Except as provided by Subsection (d), the department may not provide monetary assistance to a foster parent for day care for a foster child unless the department receives the verification required under Subsection (b).

(d) The department may provide monetary assistance to a foster parent for a foster child without the verification required under Subsection (b) if the department determines the verification would prevent an emergency placement that is in the child’s best interest.
SECTION 2. Section 264.755, Family Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The department, in accordance with executive commissioner rule, shall implement a process to verify that each relative and designated caregiver who is seeking monetary assistance or additional support services from the department for day care as defined by Section 264.124 for a child under this section has attempted to find appropriate day-care services for the child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the relative or designated caregiver must provide to the department to demonstrate compliance with the requirements established under this subsection. The department may not provide monetary assistance or additional support services to the relative or designated caregiver for the day care unless the department receives the required verification.

(e) The department may provide monetary assistance or additional support services to a relative or designated caregiver for day care without the verification required under Subsection (d) if the department determines the verification would prevent an emergency placement that is in the child's best interest.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 21, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 132, Nays 2, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.