

## **BILL ANALYSIS**

Senate Research Center

S.B. 65  
By: Moncrief  
Health and Human Services  
2-23-97  
As Filed

### **DIGEST**

Currently, day care in family homes is only regulated by the state if the home cares for four or more children unrelated to the caretaker. The Department of Protective and Regulatory Services's (DPRS) range of sanctions available, should corrective or disciplinary action become necessary, is somewhat limited. The Sunset Commission noted these limitations in its 1996 report on the agency, and recommended that all child care licensing sanctions apply to registered family homes. S.B. 65 extends the licensing requirement for family homes providing day care to include those providers caring for fewer than four children unrelated to the caretaker. The bill also gives DPRS more effective sanctioning authority as recommended by the Sunset Commission, and prohibits a family home with fewer than three children from registering with the DPRS.

### **PURPOSE**

As proposed, S.B. 65 outlines provisions and provides penalties for the regulation of family homes that care for children who are not the caretaker's own.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 42.052(c) and (f), Human Resources Code, to delete text allowing a family home caring for three or fewer children, excluding the caretaker's own children, to register with the designated division (division) of the Department of Protective and Regulatory Services (department). Deletes text prohibiting a family home from placing a public advertisement using the title "registered family home" or any variation unless the home is registered with the division.

SECTION 2. Amends Section 42.054(e), Human Resources Code, to require the division to charge each family home an annual registration fee to cover the departments cost in regulating family homes. Authorizes the division to implement a graduated fee schedule based on the number of children in care in a family home that are not the caretaker's own. Deletes a requirement that charges each registered family home a \$15 registration fee.

SECTION 3. Amends Section 42.054(e), Human Resources Code, to make conforming changes.

SECTION 4. Amends Section 42.071, Human Resources Code, as follows:

Sec. 42.071. New heading: SUSPENSION, EVALUATION, OR PROBATION. Sets forth the provisions by which a facility or family home is suspended, evaluated, or placed on probation as a result of noncompliance with standards that do not endanger the health and safety of children. Makes conforming changes.

SECTION 5. Amends Section 42.072, Human Resources Code, as follows:

Sec. 42.072. New heading: DENIAL OR REVOCATION. Sets forth the provisions regarding the denial or revocation of a license or certification of approval of a facility or the registration of a family home in noncompliance with the requirements of this chapter, standards of the department, or the terms of the license, certification, or registration. Makes conforming changes.

SECTION 6. Amends Section 42.073, Human Resources Code, as follows:

Sec. 42.073. New heading: EMERGENCY SUSPENSION AND CLOSURE. Requires the division to suspend the license or registration, order the closing, and place children residing or attending the home elsewhere if the division finds the family home is in noncompliance of standards prescribed by this chapter and the violation endangers the children residing in the facility or attending the family home. Makes conforming changes.

SECTION 7. Amends Sections 42.074(a) and (c), Human Resources Code, to make conforming changes.

SECTION 8. Amends Section 42.075(a), Human Resources Code, to make conforming changes.

SECTION 9. Amends Sections 42.076(a) and (b), Human Resources Code, to provide that a person who operates a family home without the required registration commits a class B misdemeanor. Provides that a person who places a public advertisement for an unregistered family home commits a Class C misdemeanor. Makes conforming changes.

SECTION 10. Amends Section 42.077, Human Resources Code, as follows:

Sec. 42.077. New heading: NOTICE OF ACTION AGAINST A FACILITY OR HOME. Makes conforming changes.

SECTION 11. Emergency clause.

Effective date: upon passage.