

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, eligible low-income parents are authorized to apply to receive federally subsidized childcare administered by the Texas Workforce Commission (TWC). Federal law allows states to use regulated child care centers and homes and unregulated relatives to provide child care services. As a result, criminals may provide child care to relatives on an unregulated basis.

As proposed, S.B. 206 requires the relative care giver of a child to submit to certain background checks every five years before being allowed to care for a child.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 312.005, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 4, Labor Code, by adding Chapter 312, as follows:

CHAPTER 312. BACKGROUND AND CRIMINAL HISTORY CHECKS FOR PROVIDERS OF UNREGULATED SELF-ARRANGED CHILD CARE

Sec. 312.001. DEFINITIONS. Defines "department" and "unregulated self-arranged child-care."

Sec. 312.002. MEMORANDUM OF UNDERSTANDING. Requires the Texas Workforce Commission (commission) and the Department of Family and Protective Services (DFPS) to adopt a memorandum of understanding regarding the administration and payment of costs of background and criminal history checks (checks) required under this chapter.

Sec. 312.003. REQUIREMENTS FOR UNREGULATED SELF-ARRANGED CHILD CARE. Requires the commission to ensure that money appropriated and used by the commission or a workforce development board to pay for child-care services provided by an unregulated self-arranged child-care (care) provider is used only to pay a provider who, after completion of a check required by this chapter, is not precluded from providing that care.

Sec. 312.004. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECK. (a) Requires an individual who seeks to provide care, before beginning to provide that care, to submit his or her name and a complete set of acceptable finger prints to the DFPS for use in conducting a check.

(b) Requires the DFPS to conduct checks using the information provided by the individual, information made available by certain federal, state, and local entities after the DFPS submits fingerprints provided by the individual under this section to the Department of Public Safety (DPS) for the purpose of conducting a state and federal criminal history check, and the DFPS registry of reported abuse and neglect.

(c) Requires the DFPS to use the standards that apply in conducting checks under Section 42.056 (Required Background and Criminal History Checks), Human Resources Code, for employees of licensed day-care centers, in determining whether to preclude an individual from providing care.

(d) Requires a provider of care who has continuously received payments for providing that care to submit the information described by Subsection (a) to the DFPS no later than five years after the date the previous check was completed, and requires the DFPS to use that information to conduct a check in the manner prescribed by Subsections (b) and (c). Requires a care provider for whom a check was conducted who ceases and then seeks to resume providing care to give the information described by Subsection (a) and undergo another check, unless the DFPS determines that it is unnecessary.

(e) Requires the commission to provide notice of the check requirements to the parent or guardian of the child who will receive care through an unregulated self-arranged child-care provider before the parent or guardian selects the provider.

Sec. 312.005. COSTS. Requires the commission to pay the DFPS the costs incurred in conducting checks using funds available for that purpose under the federal Child Care and Development Block Grant Act, in accordance with the memorandum of understanding. Requires the commission by rule to mandate a local workforce development board to reimburse the commission for costs paid under Subsection (a) for an individual who, after a check is conducted, is not precluded from providing care and begins receiving payments for care, and requires the board to withhold the amount of the costs for the individual from the first child-care payment made to the individual to reimburse the commission and remit that amount to the commission.

SECTION 2. Amends Section 411.114(a)(2), Government Code, to add a provider or prospective provider of unregulated self-arranged child care, as defined by Section 312.001, Labor Code, to the list of individuals for whom the DFPS is required to obtain criminal history record information maintained by the DPS.

SECTION 3. Authorizes delay of implementation until any necessary federal waivers or authorizations are obtained.

SECTION 4. Requires the commission and the DFPS to adopt the memorandum of understanding mandated by Section 312.002, Labor Code, as added by this Act, by October 1, 2007.

SECTION 5. Requires the commission to ensure that payments made on or after November 1, 2007, to providers of unregulated self-arranged child care are made to providers for whom a background and criminal history check has been conducted.

SECTION 6. Effective date: September 1, 2007.