

BILL ANALYSIS

Senate Research Center
80R6086 KLA-D

C.S.S.B. 21
By: Nelson et al.
Health & Human Services
4/11/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, prospective employees at licensed child care facilities and registered homes are not required to submit fingerprints for a thorough background check. Recent child deaths in day care facilities have revealed that criminals are working around children.

C.S.S.B. 21 requires prospective employees at licensed child care facilities and registered homes to submit fingerprints to the Department of Family and Protective Services (DFPS) for a background check to be conducted by the Department of Public Safety and the Federal Bureau of Investigation. This bill also requires the director of a child care center to be present during unannounced inspections by DFPS.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 42.056, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Texas Department of Family and Protective Services, as the successor agency to DHS.]

SECTION 1. Amends Section 42.044, Human Resources Code, by adding Subsection (b-1), to require the Texas Department of Family and Protective Services (DFPS) to meet with the director of a day-care center with daily, on-site responsibility for the operation of the center to assess whether the director meets the qualifications specified in this chapter and DFPS rules during an unannounced annual inspection of a day-care center. Requires DFPS to schedule a subsequent meeting with the director at the center if the director is not present during the unannounced annual inspection.

SECTION 2. Amends Section 42.056, Human Resources Code, by adding Subsections (a-2), (b-1), and (g), as follows:

(a-2) Requires the director, owner, or operator of a day-care center to submit a complete set of fingerprints of each employee or person over the age of 14 who will be regularly staying or working at the center in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission. Requires adopted rules to require that fingerprints be submitted in a form and of a quality acceptable to the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI) to perform a criminal history check and authorizes the rules to require that the fingerprints be submitted electronically through an applicant fingerprinting service center.

(b-1) Requires DFPS to conduct a criminal history check by submitting prints to DPS and the FBI, and to use resulting information as authorized under Section 411.114, Government Code, and Section 411.087, Government Code.

(g) Prohibits anyone from providing direct care or having access to a child in a day-care center before the person's background and criminal history checks are completed.

SECTION 3. Makes application of Section 42.056, Human Resource Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.