

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1496
By: Uresti
Health & Human Services
4/16/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1496 extends state background check requirements for child care facilities in order to maintain federal compliance. The owners and operators of a listed or registered family home will be required to submit complete fingerprints to the Department of Family and Protective Services (DFPS). This requirement is in code for similar centers in order to determine whether the provider is listed as a registered sex offender. Including family homes will ensure the owners of these facilities are held to the same standard as other child care facilities to maintain child safety.

C.S.S.B. 1496 reflects an additional operation, group day-care homes, to comply with the background check requirement. It also excludes family homes regulated by DFPS under the Human Resources Code, Section 42.0523—homes where the child-care provider is related to the children.

C.S.S.B. 1496 amends current law relating to background checks conducted by the Department of Family and Protective Services for certain child-care providers.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.0523(b), Human Resources Code, to require the Department of Family and Protective Services (DFPS), before DFPS is authorized to list a child-care provider's home under this section, in addition to conducting the background or criminal history check required under Section 42.056 (Required Background and Criminal History Checks; Criminal Penalties), rather than in addition to conducting any other background or criminal history check required for a family home listing, to search the central database of sex offender registration records maintained by the Department of Public Safety of the State of Texas under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, to determine whether the provider is listed in the registry as a sex offender.

SECTION 2. Amends Sections 42.056(a-2) and (a-4), Human Resources Code, and Section 42.056(c), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, as follows:

(a) Requires the director, owner, or operator of a residential child-care facility, listed or registered family home, group day-care home, day-care center, before-school or after-school program, or school-age program, in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner), to submit a complete set of fingerprints of each person whose name is required to be submitted by the director, owner, or operator under Subsection (a), unless the person is only required to have the person's name submitted based on criteria specified by Subsection (a)(7). Provides that this subsection does not apply to a family home that is subject to regulation by DFPS under Section 42.0523 (Listing of Relative Child-Care Providers). Deletes existing text providing that this subsection does not apply

to a program that is exempt from the licensing requirements of Section 42.041 (Required License).

(a-4) Requires the director, owner, or operator of a facility or listed or registered family home, in accordance with rules adopted by the executive commissioner, to submit a complete set of fingerprints of each person whose name is required to be submitted by the director, owner, or operator under Subsection (a) if:

(1) the person resided in another state during the five years preceding the date the person's name was required to be submitted under Subsection (a); or

(2) the director, owner, or operator has reason to suspect that the person has a criminal history in another state.

(c) Requires the executive commissioner by rule to require a child-care facility, child-placing agency, or listed or registered family home to pay to DFPS a fee in an amount not to exceed the administrative costs DFPS incurs in conducting a background and criminal history check under this section.

SECTION 3. Effective date: September 1, 2016.