



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHILD CARE LICENSING

GUIDELINES FOR LISTED FAMILY HOMES

This information sheet is designed to help you understand the laws and rules governing Listed Family Homes.

Beginning January 1, 1998 family home providers who are compensated* to provide regular care** in their own homes for a total of three or fewer unrelated children must **list** with the Texas Department of Family and Protective Services (DFPS). Listing is a different and simpler process than registration or licensing. Family day care home providers who care for three or fewer unrelated children may register with the state, but it is not required.

Following are the legal requirements for a Listed Family Home provider:

A. People in the Home

1. When children are present, a person who has a history of abuse or neglect reported in the DFPS's Central Registry offenses is not allowed in the home and must not be in contact with children while in care.
2. When children are present, a person who has been convicted of any of the following offenses is not allowed in the home and must not be in contact with children while in care:
 - a. a felony or misdemeanor classified as an offense against the person (*Title 5 of the Penal Code*):
 - Murder
 - Capital murder
 - Voluntary manslaughter
 - Involuntary manslaughter
 - Criminally negligent homicide
 - False imprisonment
 - Kidnapping
 - Aggravated kidnapping
 - Rape
 - Aggravated rape
 - Sexual abuse
 - Aggravated sexual abuse
 - Homosexual conduct
 - Public lewdness
 - Indecent exposure
 - Rape of a child
 - Sexual abuse of a child
 - Indecency with a child
 - Assault
 - Sexual assault
 - Aggravated assault
 - Aggravated sexual assault
 - Deadly assault on a peace officer
 - Injury to a child or an elderly individual
 - Reckless conduct
 - Terroristic threat
 - Aiding suicide
 - Tampering with consumer products
 - b. or a felony or misdemeanor classified as an offense against the family (*Title 6 of the Penal Code*):
 - Bigamy
 - Incest
 - Interference with child custody
 - Enticing a child
 - Criminal nonsupport
 - Sale or purchase of a child
 - Solicitation of a child
 - Harboring a runaway child
 - Violation of a court order
 - c. or a felony or misdemeanor classified as public indecency (*Chapter 43 of the Penal Code*):
 - Prostitution
 - Promotion of prostitution
 - Aggravated promotion of prostitution
 - Compelling prostitution
 - Obscene display or distribution
 - Obscenity
 - Sale, distribution or display of harmful material to a minor
 - Sexual performance by a child
3. Until charges are dropped, a person who is indicted for any of the offenses listed above or who is the subject of an official criminal complaint (related to those offenses) that has been accepted by a county or district attorney must not be in the home or have contact with the children while the children are in care. *DFPS must be notified of the indictments or complaints within 24 hours of awareness or by the next workday.*
4. The caregiver must submit a completed request for Criminal History and Central Registry Check form for any new resident of the home who is 14 years old or older, or any new person regularly or frequently staying or working in the home while the children are in care.

5. The caregiver must submit a completed request for Criminal History and Central Registry Check every 24 months that includes himself or herself, all residents of the home who are 14 years old or older, and all persons regularly or frequently staying or working in the home while the children are in care.

B. The Number of Children in Care

1. The provider may care for up to a total of three children who are not related to her. If the provider cares for more than three unrelated children, she must register her family home or apply for a licensed child-care home permit.
2. The total number of children in a listed family home, including those related to the provider, may not exceed 12 at any given time. *Children who are related to the provider are her children, grandchildren, great-grandchildren, first cousins, siblings, nieces, and nephews.*

C. Abuse and Neglect of Children in Care

1. Children must not be abused or neglected while in the listed family home. If Child Care Licensing receives a report of abuse or neglect in a listed family home, a complaint investigator is assigned to visit the home and investigate the complaint.
2. If a child appears abused or neglected when he comes to the listed family home, the caregiver must call and report the abuse or neglect to the nearest DFPS Child Protective Services Office or the local state law enforcement agency immediately as required in Chapter 34 of the Texas Family Code, Reporting Child Abuse and Neglect. This law provides immunity to anyone who makes a good faith report. **The 24-hour, toll-free number for reporting child abuse and neglect is 1-800-252-5400.**

D. The Caregiver

1. The caregiver must meet all requirements of a listed family home required by the law (Chapter 42 of the Human Resource Code) and by the Department.
2. A caregiver must be at least 18 years old.
3. The caregiver must present the listing certificate to any parent who requests to see it.
4. The caregiver must remit the annual \$20 listing fee to maintain a listing with the state.

E. Advertising a Listed Family Home

"A family home may not place a public advertisement that uses the title "listed family home" or any variation of the phrase unless the home is listed as provided by this chapter [Chapter 42 of the Human Resources Code]. Any public advertisement for a listed family home that uses the title "listed family home" must contain a provision in bold type stating: **'THIS HOME IS A LISTED FAMILY HOME. IT IS NOT LICENSED OR REGISTERED WITH THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED.'**" Section 42.0522 (b) of the Human Resources Code.

F. Appeals and Court Challenges

If the Department denies a listing request or revokes a listing, the provider is notified in writing which provisions of the law are being violated. The provider has the right to appeal the decision and is given information about how to request an appeal.

* You are **compensated** if you receive anything of value in exchange for the care you are providing.

** You are providing **regular care** if you care for a child for 4 or more hours per day, for 3 or more days per week and for more than nine consecutive weeks.