



Minimum Standards Revision Notice

Date: October 12, 2018

Effective Date: October 19, 2018

To: All Holders of Chapter 749, Minimum Standards for Child-Placing Agencies

From: Jean Shaw, HHSC Associate Commissioner for Child-Care Licensing

Subject: Convert or Close Foster Group Homes:

- Definitions; and
- Verification of Foster Homes

The amendment, new sections, and repeal implement House Bill (H.B.) 5 and H.B. 7, Section 78, 85th Legislature, Regular Session, 2017. H.B. 5 moved the regulation of child care formerly provided by the Department of Family and Protective Services to the Health and Human Services Commission. H.B. 7 prohibits a child-placing agency from verifying a foster group home after August 31, 2017, but allows a foster group home to continue to operate until HHSC adopts rules for the conversion or closure of foster group homes. The changes will be effective on October 19, 2018.

Convert or Close Foster Group Homes

Definitions

§749.41. What do certain pronouns mean in this chapter?

The amendment to §749.41 clarifies that when the pronoun “we,” “us,” or “our” or the title “Licensing” is used in Chapter 749, it no longer applies to the Licensing Division of DFPS, but applies to the Child Care Licensing Department of the Health and Human Services Commission.

Verification of Foster Homes

§749.2470. What must I do to verify a foster family home?

§749.2471. How do I convert a current foster group home verification to a foster family home verification?

§749.2871. How long may a current foster group home continue to operate?

New §749.2470 replaces repealed §749.2471 by making the minimum standard only applicable to foster family homes, and no longer applicable to foster group homes. In addition, the new rule updates and reorganizes the steps needed to verify a foster family home for better organization, readability, and understanding.

New §749.2471 outlines the steps an agency must take in order to convert a foster group home to a foster family home, including using an addendum to complete a foster home screening update and issuing a foster family home verification certificate. The rule also clarifies that some screening requirements do not have to be redone, including updating the floor plan and the photo of outside areas (unless there have been changes to the floor plan or outside area), re-inspecting the home, obtaining a new health and fire inspection (unless a new inspection is due at the time of conversion), and re-submitting background checks (unless a renewal background check is due at the time of conversion).

Note: In §749.2470 and §749.2471 there are some subsections that are noted as “no weight” because the standard that should be cited is cross-referenced in the text of the non-weighted standard. For example, §749.2470(1) requires a child-placing agency to complete and document the foster home screening requirements for §749.2447, but is noted as “no weight” because if there is a deficiency then the appropriate subsection in §749.2447 should be cited instead of §749.2470(1).

New §749.2827:

- Prohibits child-placing agencies from verifying new foster group homes after August 31, 2017; and
- Clarifies that a foster group home that was verified before September 1, 2017 may continue to operate, but requires child-placing agencies to either convert (re-verify) a foster group home to a foster family home or close the foster group home by August 31, 2019.

You may print copies of the updated Minimum Standards from the website at http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp.

If you have questions, please contact your licensing representative or send an email to rcclstan@hpsc.state.tx.us .