

- SUBJECT:** Requiring fingerprint checks for certain child-care providers
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 9 ayes — Raymond, Rose, Keough, S. King, Klick, Naishtat, Peña, Price, Spitzer  
0 nays
- SENATE VOTE:** On final passage, April 22 — 29-1 (Huffines)
- WITNESSES:** No public hearing
- BACKGROUND:** The Child Care and Development Block Grant Act of 2014 requires states to conduct criminal background screenings with fingerprint checks for all staff members of child care providers, including those who do not directly care for children but have unsupervised access to them.
- Currently, the Department of Family and Protective Services (DFPS) does not require a fingerprint checks for those operating registered child-care homes, licensed child-care homes, or listed family homes with certain exceptions.
- DIGEST:** SB 1496 would require the director, owner, or operator of a listed or registered home and group day-care home to submit a complete set of fingerprints of certain individuals affiliated with the facility who are required to receive a background check under current law. These individuals include:
- the director, owner, and operator of the facility, agency, or home;
  - each person employed at the facility, agency, or home;
  - each prospective employee of the facility, agency, or home; and
  - each person at least 14 years of age who was counted in child-to-caregiver ratios in accordance with the minimum standards of the department or had unsupervised access to children in care at the

facility or family home, including those who resided in the facility or family home.

The new requirement would not apply to a family home in which care was provided only to children related to the provider.

SB 1496 also would require listed family homes, in addition to licensed child care facilities and registered family homes, to pay the department a fee that would not exceed the administrative cost incurred for the required background and criminal history check.

The bill would take effect September 1, 2016.

**SUPPORTERS  
SAY:**

SB 1496 would improve safety for children in certain day care settings by providing extra assurance that they were not exposed to individuals who might do them harm. Many Texas children, especially those 3 years old and younger, receive child care in smaller family home settings. It is important that all caregivers of this vulnerable age group, including those who care for smaller groups of children in listed or registered private homes, be screened in the same way that other caregivers are. Listed and registered family homes have significantly fewer requirements imposed on them by DFPS compared to licensed facilities. Therefore, these settings are subject to less oversight, for example, in the form of site inspections.

The bill also would ensure that federal funds continued to be available to the state under the Child Care and Development Block Grant Act because this law requires the performance of specific types of criminal background screenings that include fingerprint checks for all child care staff members.

**OPPONENTS  
SAY:**

SB 1496 would place additional burdens on child care providers who already are subject to regulations. Small operations, such as listed or registered family homes, often rely on one primary adult provider and might have difficulty scheduling time away from the children during business hours to obtain and submit fingerprints.

Imposing these requirements on individuals who might only occasionally

work with children could discourage the involvement of volunteers and others. These requirements also could come at a cost to the operators, who already may be operating on a thin financial margin.