

Regulation of Temporary Shelter Day-Care Facilities
[Texas Human Resources Code 42.201](#)
Texas Administrative Code (TAC) §743
[Childcare Licensing Policies and Procedures Hand Book](#)

What is shelter care and day care?

- "Shelter care" means child care that is provided:
 - (A) to seven or more children under 14 years of age who temporarily reside at a shelter each with an adult who is related to the child by blood or who is the child's managing conservator;
 - (B) by a person who is not a temporary resident of a shelter; and
 - (C) while the adult described by Paragraph (A) is away from the shelter

- "Shelter day-care facility" means a shelter that provides shelter care for not more than 24 hours a day, but at least four hours a day, 3+ days a week. Can only take care of children who reside at shelter.

When do you not need a permit?

- PERMIT NOT REQUIRED if the shelter provides shelter care for:
 - Less than four hours a day or for less than three days a week (Human Resources Code 42.201); OR
 - Six or fewer children
 - When serving unaccompanied minors (See [42.041 \(12\) of the Human Resources Code](#))

- What are more of the requirements?

[Texas Administrative Code \(TAC\) §743.5](#)

- (a) Child care is regulated under this chapter if it is provided:
 - (1) At a temporary shelter, such as a family violence or homeless shelter;
 - (2) Only for children temporarily residing with a parent at the shelter;
 - (3) While the child's resident parent is away from the shelter;
 - (4) On a recurring and scheduled basis; and
 - (5) For at least four hours per day and three or more days per week.

- (b) If you also offer care for the children of employees, the children of non-resident clients, or any other non-resident children, your entire child-care program is regulated as a child-care center and must follow the requirements in Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers).

(c) If you only offer care for children while the resident parent is on the shelter premises, then the program is exempt from regulation. If you provide care for both children whose parents are on the premises and children whose parents are away from the shelter, all of the child care is regulated under this chapter unless the two groups of children are separated.

- Will our location have to be made public?
 - Information pertaining to the location of a family violence shelter or a person who was provided family violence services is confidential according to TAC [§745.8493](#).
- How do I apply?
 - Follow the information found in the [Application of for shelter day-care facility](#)
- How much will it cost?
 - [Information on fees](#)
- What if later we want to provide more formal child care or allow our nonresidential clients or employees to bring their children?
 - Can convert to a child-care facility license to shelter day-care license under Human Resources Code 42.204
- What are the Caregiver Qualifications?
 - [Section 42.205 of the Human Resources Code](#); Exec. Commissioner sets minimum qualifications and training required for caregivers
 - Minimum Qualifications TAC [§743.101](#)
 - Primary Caregivers must be:
 - At least 18 years old
 - Have a high school diploma or equivalent; and
 - Meet background check requirements
 - Caregivers must be:
 - At least 14 years old and at least 2 years older than the oldest child in their care; and
 - Meet background check requirements
 - Supplemental caregivers must meet the background check
- What are the background check requirements for child care caregivers? Found in TAC [§743.105](#)
 - Name-based criminal history check and a DFPS central registry check for any person who has unsupervised access to children
 - Fingerprint-based criminal history check for anyone who has unsupervised access to children or counted in child/caregiver ratio, if they have lived outside of Texas any time in the past 5 years or there's reason to believe other criminal history exists

- Each of the required people need to have a background check when hired and every 2 years after that. TAC §745.625
- You must have the background check before they can work with the kids. Fingerprint checks must come back unless you're experiencing a staff shortage and the name-check came back ok, according to §745.626
- If a monitoring staff receives [Form 2971](#) Child Care Licensing Request for Background Check from a listed family home, temporary shelter child care operation, or small employer-based operation, the monitoring staff scans the Form 2971 and emails the scanned copy to CBCUBackgroundChecks@hhsc.state.tx.us within 3 calendar days of receiving the form.
- Are there training requirements?
 - Everyone within 30 days after beginning duties has to complete trainings in TAC [§743.103](#)
- What are the minimum standards of care?
 - [Minimum Standards of Care](#)
 - TAC §745.8301 – If you cannot comply with any of the minimum standards you can request a waiver or variance.
- What are the child to staff ratios?
 - [§743.109](#)

Children Ages	Current Ratio
≤ 5	1:12*
≥ 6	1:28
<ul style="list-style-type: none"> • Mixed ages 	<ul style="list-style-type: none"> • 1:20, no more than 12 children 5 or younger

*Children less than one year old count as two children