

Figure: 40 TAC §745.129

Exempt Miscellaneous Programs	Criteria for Exemption
(1) Neighborhood Recreation Program	<p>(A) The program provides activities designed for recreational purposes for children ages 5-13;</p> <p>(B) The governing body of the program must adopt standards for care. At a minimum, these standards must include staffing ratios, staff training, and health and safety standards and mechanisms for monitoring, enforcing the standards, and receiving and resolving complaints from parents of the enrolled children;</p> <p>(C) The program does not accept any compensation other than a nominal annual membership fee. The program does not solicit donations as payment for services or goods provided as part of the program;</p> <p>(D) The program is organized as a non-profit organization or is located at the participant's residence;</p> <p>(E) The program must inform each parent that Licensing does not regulate the operation;</p> <p>(F) The program does not advertise or represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services; and</p> <p>(G) The program conducts background checks using information that is obtained from the Department of Public Safety for all program employees and volunteers who work with children.</p>

Exempt Miscellaneous Programs	Criteria for Exemption
(2) Skills Program	<p>(A) The program offers direct instruction in a single skill, talent, ability, expertise, or proficiency;</p> <p>(B) The program does not provide or offer services that are not directly related to a single skill, talent, ability, expertise, or proficiency, but may offer transportation and snacks;</p> <p>(C) The program does not advertise or represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;</p> <p>(D) The program informs parents that the program is not licensed by the state;</p> <p>(E) The program informs parents of the physical risk a child may face while participating in the program; and</p> <p>(F) The program conducts background checks using information that is obtained from the Department of Public Safety for all program employees and volunteers who work with children.</p>
(3) Caregiver Has Written Agreement with a Parent to Provide Residential Care	<p>(A) A child or sibling group may live with a non-relative adult caregiver if the caregiver:</p> <ul style="list-style-type: none"> <li>(i) Does not care for more than one unrelated child or sibling group;</li> <li>(ii) Had a prior relationship with the child, sibling group, or other family members of the child or sibling group;</li> <li>(iii) Does not receive compensation or solicit donations for the care of the child or sibling group; and</li> <li>(iv) Has a written agreement with the parent to care for the child or sibling group; or</li> </ul> <p>(B) Multiple children or sibling groups may live with an adult caregiver if the caregiver:</p> <ul style="list-style-type: none"> <li>(i) Does not care for more than six children, excluding children who are related to the caregiver;</li> <li>(ii) Does not receive compensation for caring for any child or sibling group; and</li> <li>(iii) Has a written agreement under Chapter 34, Family Code, with the parent of each child or sibling group to care for each child or sibling group.</li> </ul>

Exempt Miscellaneous Programs	Criteria for Exemption
(4) Emergency Shelter for Minors	<p>(A) The shelter does not otherwise operate as a child-care facility that must have a license from the Health and Human Services Commission (HHSC);</p> <p>(B) The shelter is providing shelter or care to a minor and the minor's child or children, if any;</p> <p>(C) The shelter provides care for the minor and the minor's child or children only when there is an immediate danger to the physical health or safety of the minor or the minor's child or children;</p> <p>(D) The shelter does not provide care for more than 15 days unless:</p> <ul style="list-style-type: none"> <li>(i) The minor consents to shelter or care to be provided to the minor or the minor's children and is: <ul style="list-style-type: none"> <li>(I) 16 years of age or older, resides separate and apart from the minor's parent, and manages the minor's own financial affairs; or</li> <li>(II) Unmarried and is pregnant or is the parent of a child; or</li> </ul> </li> <li>(ii) The minor has qualified for Temporary Assistance for Needy Families and is on the waiting list for housing assistance; and</li> </ul> <p>(E) The shelter is:</p> <ul style="list-style-type: none"> <li>(i) Currently under contract with a state or federal agency for the provision of shelter or care to children; or</li> <li>(ii) A family violence center that meets the requirements listed under Human Resources Code §51.005(b)(3), as determined by HHSC.</li> </ul>
(5) Child or Sibling Group Placed By the Department of Family and Protective Services (DFPS)	<p>(A) The caregiver has a longstanding and significant relationship with the child or sibling group;</p> <p>(B) DFPS is the managing conservator of the child or sibling group; and</p> <p>(C) DFPS placed the child or sibling group in the caregiver's home.</p>
(6) Food Distribution Program	<p>(A) The program serves an evening meal to children two-years-old or older; and</p> <p>(B) The program is operated by a non-profit food bank in a non-profit, religious, or educational facility for not more than two hours a day on regular business days.</p>

Exempt Miscellaneous Programs	Criteria for Exemption
(7) Emergency Shelter for Victims of Human Trafficking	<p>(A) The shelter does not otherwise operate as a child-care facility that is required to have a license from HHSC;</p> <p>(B) The shelter is operated by a nonprofit organization;</p> <p>(C) The shelter provides shelter and care for no more than 15 days to alleged victims of human trafficking as defined in Penal Code §20A.02, who are 13-17 years old; and</p> <p>(D) The shelter is located in a municipality with a population of at least 600,000 that is in a county on an international border; and:</p> <ul style="list-style-type: none"> <li>(i) Is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or</li> <li>(ii) Is a family violence center that meets the requirements listed under Human Resources Code §51.005(b)(3), as determined by HHSC.</li> </ul>
(8) Respite Care for a Local Mental Health Authority	A program that provides respite care for a local mental health authority under a contract with that authority.