

Chapter 809. Child Care.

§809.79 Parent Responsibility Agreements, Sanctions & Exceptions.

Non-compliance with Parent Responsibility Agreement. Sanctions and Good Cause exception (including domestic violence and related matters per adoption preamble).

Part XX. Texas Workforce Commission

Chapter 809. Child Care and Development

Subchapter D. Client Eligibility Requirements

40 TAC §809.79

The Texas Workforce Commission (Commission) adopts new §809.79 concerning Parent Responsibility Agreement, Sanctions and Exemptions without changes to proposed text as published in the December 19, 1997, issue of the Texas Register (22 TexReg 12475). The adopted text will not be republished here.

The Commission adopts this new rule to carry out the purpose of House Bill 1863, 74th Legislature, as well as the Personal Responsibility And Work Opportunities Reconciliation Act of 1996. P.L.104-193.

Adopted §809.79(a) provides certain sanctions for failure of the "parent or caretaker" of a child to comply with the requirements of §809.78. Failure to comply with §809.78(b)(1) results in a sanction of an additional monthly fee of \$25.00 for the noncomplying parent or caretaker until the parent or caretaker achieves compliance with the subsection. Failure to comply with §809.78(b)(2) results in a fine of an additional monthly fee of \$25.00 for up to six months. Failure to comply with §809.78(b)(3) results in an additional monthly fee of \$25.00 until the first month following the first full month in which the child in question has no unexcused school absences.

Adopted §809.79(b) provides that a Parent Responsibility Agreement is not required pursuant to §809.78 if the paternity of the child in question cannot be established, if the child is the product of an incestuous relationship, or if the parent of the child has been the subject of domestic violence. In addition, the terms in question are defined in the new section.

The Commission received four comments concerning §809.79. Two were received from Child Care Management Services contractors (West Texas Opportunities, Inc. and Child Care Management Services, Dallas County) and two from members of the State Advisory Committee on Child Care Programs.

Comment: One contractor stated that the word "may" should be changed to "must" in §809.79(2) and in §809.79(2)(a), (b), and (c).

Response: The Commission chooses not to make this change because §809.79(3) establishes sufficient exceptions in which the sanctions will not be applied.

Comment: The other contractor expressed concern over the potential administrative impact on parents, contractors and other agencies of obtaining and submitting the documentation required to demonstrate compliance with the Parent Responsibility Agreement.

Comment: One member of the State Advisory Committee on Child Care Programs expressed support for §809.79 but concern about the administrative burden of applying sanctions to parents who do not comply.

The other commenters did not specifically express support for this section but expressed the comments set out herein.

Response: The Commission will track the implementation of §809.79 and periodically review the administrative impact for any needed changes in procedures.

Comment: The other member of the State Advisory Committee on Child Care Programs recommended that §809.79 be amended to add the following exception "...parents are not required to comply with the requirement to establish paternity if the parent/caretaker does not want to receive financial assistance (i.e., child support) from the father of the child."

Response: The Commission chooses not to make this suggested change. The intent of requiring cooperation with Child Support Enforcement is to ensure that children who are receiving government assistance with child care services are also receiving the financial support that an absent parent is required to pay.

The new rule is adopted under Texas Labor Code §301.061, which provides that the Commission has the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 9, 1998.

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J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

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For further information, please call: (512) 463-8812