

**CHILD CARE & EARLY LEARNING DIVISION**  
**Child Care Policy**  
**Technical Assistance Bulletin 318**

**Keywords:** Child Care

**Subject:** Determining Homelessness for Child Care Services

**Date:** May 15, 2025

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This Technical Assistance (TA) Bulletin provides Local Workforce Development Boards (Boards) with guidance on how to determine if families (and therefore, their children) applying for Child Care Services (CCS) meet the definition of “homeless” under the [McKinney-Vento Act](#) (as defined in [Title 42, United States Code \[USC\], §11434a](#), et seq.).

The McKinney-Vento Act is the federal law that defines homelessness for children and youth. When a child is determined to be homeless under this definition, they are given a higher priority on the CCS waitlist. The waitlist application asks parents residency questions that automatically assigns a “homeless” or “not homeless” status. To ensure accurate placement on the waitlist and that eligible families receive priority service, Boards should follow up with families to confirm the accuracy of their residency information and priority status.

**Recissions**

None

**Background**

The [McKinney-Vento Act](#) (as defined in [Title 42, United States Code \[USC\], §11434a](#) and supported in [Title 40, Texas Administrative Code \(TAC\), Part 20, §809.2](#)) defines “homeless children and youths” as follows:

The term “homeless children and youths”:

- A. means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of [section 10302\(a\)\(1\) of this title](#)); and
- B. includes
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 10302(a)(2)(C) of this title)

- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children (as such term is defined in section [6399 of title 20](#)) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

### **Homelessness Determination After Waitlist Application Frequently Asked Questions**

The following are frequently asked questions from Boards regarding homelessness determination:

- **Question 1:** If a family's residency answers on their waitlist application did not identify them as homeless, but an interview later reveals they are, would anything need to be filled out to document a homeless status for the family?

**Answer:** The family should complete the [Waitlist Application Change Request Form](#). They can update their residency information (item #3), then indicate "Other" in item #11 and explain their circumstances, such as, "lost housing and living with friends."

- **Question 2:** If a family's waitlist application indicates "homeless" status based on their answers to the residency questions on a waitlist application, is the Board permitted to ask additional questions to verify this status?

**Answer:** Yes. The Board may ask clarifying questions, such as the questions below, to confirm a child's "homeless" or "not homeless" status under the McKinney-Vento Act. These questions are optional but can be helpful when a child's residency is unclear. The questions align with the flowcharts in this document to illustrate what constitutes a fixed, regular, and adequate residence.

Ask the following questions to determine if the residence is "fixed":

- Is this a permanent arrangement or just temporary?
- Are you looking for another place to live?
- Do you plan to move out soon?
- Why are you staying in your current place?
- Where were you living right before this place? Why did you leave?
- Where would you go if you couldn't stay where you are?
- Are you staying with friends/relatives just for a little while?
- Did you and your friends/relatives decide to move in together and share a home and expenses for the long term? Or is this a temporary situation for you?
- Could your friends/relatives ask you to leave if they wanted to?
- Are you all sharing the home equally, or are you more like guests in the home?

Ask the following questions to determine if the residence is "regular":

- Do you stay in the same place every night?
- Do you have a key to the place where you are living?
- Do you move around a lot?

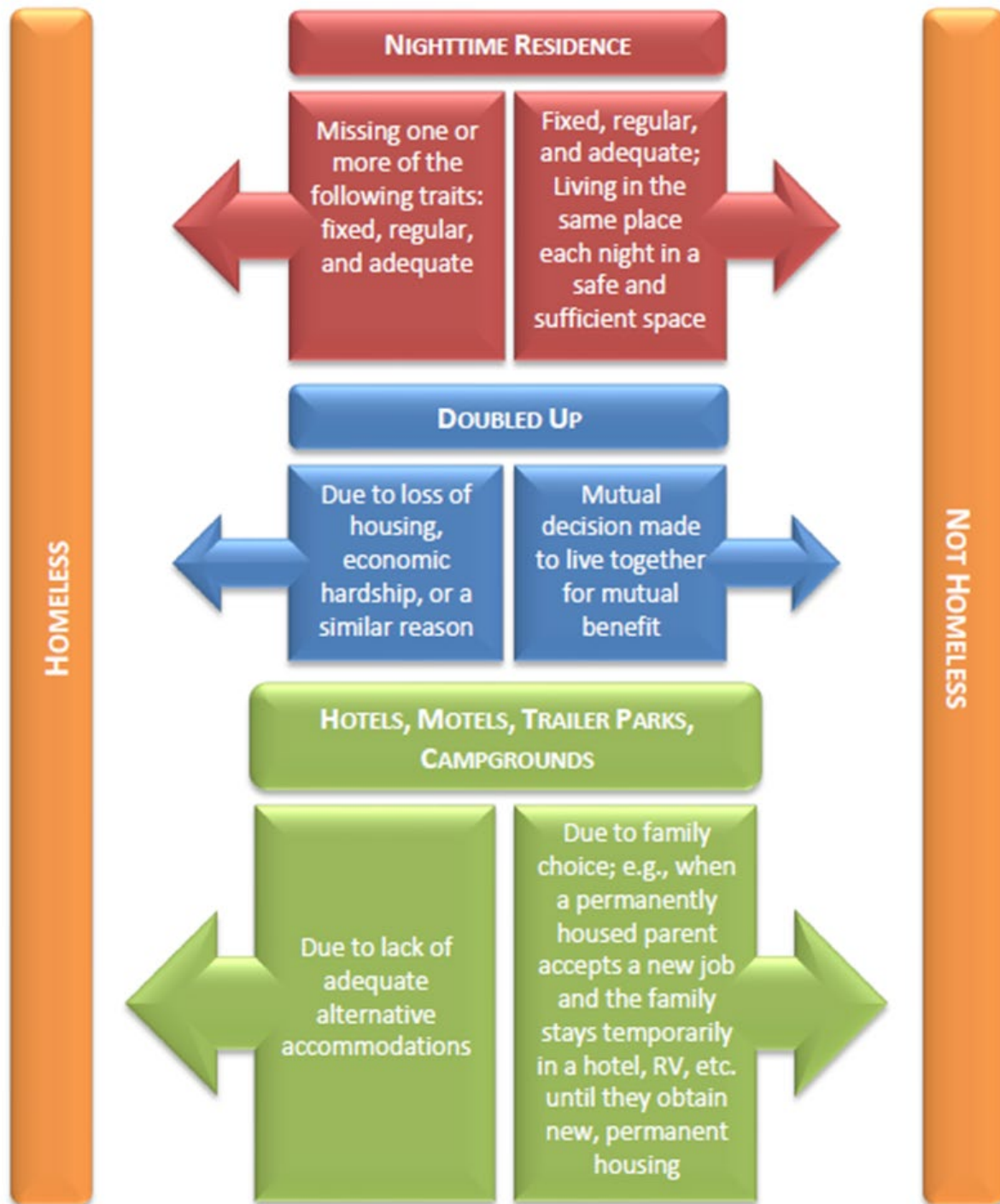
- How long have you been at that place? How long do you plan to stay?
- How long did you live in your last place?

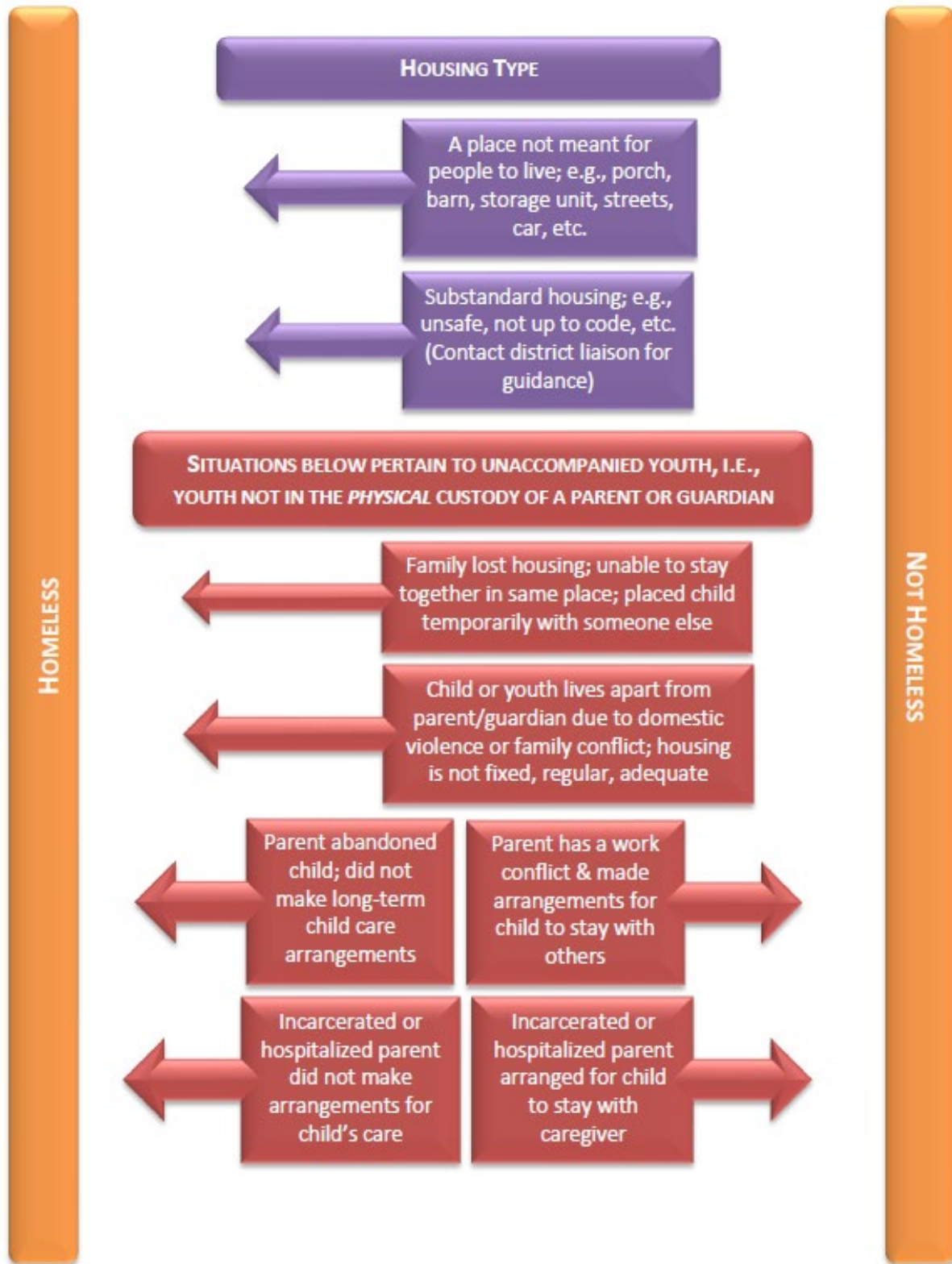
Ask the following questions to determine if the residence is “adequate:”

- How many people are living in the home? How many bedrooms/bathrooms does it have?
- Are you and your children sharing a room? How many people are staying in one room?
- Are you and your children sleeping in a bedroom, or in a public area, like a dining room?
- Does the home have heat/electricity/running water?
- What condition is the home in? Does it keep out rain and wind? Is it safe? Is it warm and dry?

## Eligibility Flowchart—[National Center for Homeless Education](#)

**Note:** Not every housing situation may be captured in the visuals below.





Please distribute this information to appropriate staff. Send inquiries regarding this TA Bulletin to [childcare.programassistance@twc.texas.gov](mailto:childcare.programassistance@twc.texas.gov).

**Attachments**

None

**References**

[McKinney-Vento Act \(42 U.S.C. 11431 et seq.\)](#)

[Texas Administrative Code §809.52](#)

[Child Care Services Guide](#) Section D-601.a