

1-1 By: Nelson S.B. No. 68  
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 68 By: Huffman

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to licensing and inspection requirements of the Department  
1-11 of Family and Protective Services for certain facilities and homes  
1-12 providing child care; providing penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 42.002, Human Resources Code, is amended  
1-15 by amending Subdivisions (7), (8), (17), and (19) and adding  
1-16 Subdivisions (20) and (21) to read as follows:

1-17 (7) "Day-care center" means a child-care facility that  
1-18 provides care at a location other than the residence of the  
1-19 director, owner, or operator of the child-care facility for seven  
1-20 or more [~~than 12~~] children under 14 years of age for less than 24  
1-21 hours a day, but at least two hours a day, three or more days a week.

1-22 (8) "Group day-care home" means a child-care facility  
1-23 that provides care at the residence of the director, owner, or  
1-24 operator of the child-care facility for seven or more [~~7 to 12~~]  
1-25 children under 14 years of age for less than 24 hours a day, but at  
1-26 least two hours a day, three or more days a week.

1-27 (17) "Regular care" means care that is provided at  
1-28 least:

1-29 (A) four hours a day, three or more days a week,  
1-30 for three or more [~~than nine~~] consecutive weeks; or

1-31 (B) four hours a day for 40 or more days in a  
1-32 period of 12 months.

1-33 (19) "Residential child-care facility" means a  
1-34 facility licensed or certified by the department that operates [~~to~~  
1-35 ~~provide assessment, care, training, education, custody, treatment,~~  
1-36 ~~or supervision for a child who is not related by blood, marriage, or~~  
1-37 ~~adoption to the owner or operator of the facility,] for all of the  
1-38 24-hour day[, whether or not the facility is operated for profit or  
1-39 charges for the services it offers]. The term includes child-care  
1-40 institutions, child-placing agencies, foster group homes, foster  
1-41 homes, agency foster group homes, and agency foster homes.~~

1-42 (20) "Before-school or after-school program" means a  
1-43 child-care facility that provides care before or after, or before  
1-44 and after, the customary school day and during school holidays, for  
1-45 at least two hours a day, three days a week, to children who attend  
1-46 prekindergarten through grade six.

1-47 (21) "School-age program" means a child-care facility  
1-48 that provides supervision, along with recreation or skills  
1-49 instruction or training, and may provide transportation, before or  
1-50 after the customary school day, for at least two hours a day, three  
1-51 days a week, to children attending prekindergarten through grade  
1-52 six. A school-age program may also operate during school holidays,  
1-53 the summer period, or any other time when school is not in session.

1-54 SECTION 2. The heading to Section 42.041, Human Resources  
1-55 Code, is amended to read as follows:

1-56 Sec. 42.041. REQUIRED LICENSE [~~OR ACCREDITATION~~].

1-57 SECTION 3. Subsection (b), Section 42.041, Human Resources  
1-58 Code, is amended to read as follows:

1-59 (b) This section does not apply to:

1-60 (1) a state-operated facility;

1-61 (2) an agency foster home or agency foster group home;

1-62 (3) a facility that is operated in connection with a  
1-63 shopping center, business, religious organization, or

2-1 establishment where children are cared for during short periods  
 2-2 while parents or persons responsible for the children are attending  
 2-3 religious services, shopping, or engaging in other activities,  
 2-4 including retreats or classes for religious instruction, on or near  
 2-5 the premises, that does not advertise as a child-care facility or  
 2-6 day-care center, and that informs parents that it is not licensed by  
 2-7 the state~~[, including but not limited to retreats or classes for~~  
 2-8 ~~religious instruction];~~

2-9 (4) a school or class for religious instruction that  
 2-10 does not last longer than two weeks and is conducted by a religious  
 2-11 organization during the summer months;

2-12 (5) a youth camp licensed by the Department of State  
 2-13 Health Services;

2-14 (6) a facility licensed, operated, certified, or  
 2-15 registered by another state agency;

2-16 (7) ~~[subject to Subsection (b-1),]~~ an educational  
 2-17 facility that is accredited by the Texas Education Agency, the  
 2-18 Southern Association of Colleges and Schools, or an accreditation  
 2-19 body that is a member of the Texas Private School Accreditation  
 2-20 Commission and that operates primarily for educational purposes  
 2-21 for prekindergarten ~~[in grades kindergarten]~~ and above, a  
 2-22 before-school or ~~[an]~~ after-school program operated directly by an  
 2-23 accredited educational facility, or a before-school or ~~[an]~~  
 2-24 after-school program operated by another entity under contract with  
 2-25 the educational facility, if the Texas Education Agency, the  
 2-26 Southern Association of Colleges and Schools, or the other  
 2-27 accreditation body, as applicable, has approved the curriculum  
 2-28 content of the before-school or after-school program operated under  
 2-29 the contract;

2-30 (8) an educational facility that operates solely for  
 2-31 educational purposes for prekindergarten ~~[in grades kindergarten]~~  
 2-32 through at least grade two, that does not provide custodial care for  
 2-33 more than one hour during the hours before or after the customary  
 2-34 school day, and that is a member of an organization that  
 2-35 promulgates, publishes, and requires compliance with health,  
 2-36 safety, fire, and sanitation standards equal to standards required  
 2-37 by state, municipal, and county codes;

2-38 (9) a kindergarten or preschool educational program  
 2-39 that is operated as part of a public school or a private school  
 2-40 accredited by the Texas Education Agency, that offers educational  
 2-41 programs through grade six, and that does not provide custodial  
 2-42 care during the hours before or after the customary school day;

2-43 (10) a family home, whether registered or listed;

2-44 (11) ~~[subject to Subsection (b-1),]~~ an educational  
 2-45 facility that is integral to and inseparable from its sponsoring  
 2-46 religious organization or an educational facility both of which do  
 2-47 not provide custodial care for more than two hours maximum per day,  
 2-48 and that offers an educational program ~~[programs for children age~~  
 2-49 ~~four and above]~~ in one or more of the following: prekindergarten  
 2-50 ~~[preschool, kindergarten]~~ through at least grade three, elementary  
 2-51 grades, or secondary grades;

2-52 (12) an emergency shelter facility providing shelter  
 2-53 to minor mothers who are the sole support of their natural children  
 2-54 under Section 32.201, Family Code, unless the facility would  
 2-55 otherwise require a license as a child-care facility under this  
 2-56 section;

2-57 (13) a juvenile detention facility certified under  
 2-58 Section 51.12, Family Code, a juvenile correctional facility  
 2-59 certified under Section 51.125, Family Code, a juvenile facility  
 2-60 providing services solely for the Texas Youth Commission, or any  
 2-61 other correctional facility for children operated or regulated by  
 2-62 another state agency or by a political subdivision of the state;

2-63 (14) an elementary-age (ages 5-13) recreation program  
 2-64 operated by a municipality provided the governing body of the  
 2-65 municipality annually adopts standards of care by ordinance after a  
 2-66 public hearing for such programs, that such standards are provided  
 2-67 to the parents of each program participant, and that the ordinances  
 2-68 shall include, at a minimum, staffing ratios, minimum staff  
 2-69 qualifications, minimum facility, health, and safety standards,

3-1 and mechanisms for monitoring and enforcing the adopted local  
3-2 standards; and further provided that parents be informed that the  
3-3 program is not licensed by the state and the program may not be  
3-4 advertised as a child-care facility;

3-5 (15) an annual youth camp held in a municipality with a  
3-6 population of more than 1.5 million that operates for not more than  
3-7 three months and that has been operated for at least 10 years by a  
3-8 nonprofit organization that provides care for the homeless; [~~or~~]

3-9 (16) a food distribution program that:  
3-10 (A) serves an evening meal to children two years  
3-11 of age or older; and

3-12 (B) is operated by a nonprofit food bank in a  
3-13 nonprofit, religious, or educational facility for not more than two  
3-14 hours a day on regular business days;

3-15 (17) a child-care facility that operates for less than  
3-16 three consecutive weeks and less than 40 days in a period of 12  
3-17 months;

3-18 (18) a program:

3-19 (A) in which a child receives direct instruction  
3-20 in a single skill, talent, ability, expertise, or proficiency for  
3-21 less than 10 hours a week, excluding weekends and holidays;

3-22 (B) that does not provide services or offerings  
3-23 that are not directly related to the single talent, ability,  
3-24 expertise, or proficiency;

3-25 (C) that does not advertise or otherwise  
3-26 represent that the program is a child-care facility, day-care  
3-27 center, or before-school or after-school program or that the  
3-28 program offers child-care services;

3-29 (D) that informs the parent or guardian:

3-30 (i) that the program is not licensed by the  
3-31 state; and

3-32 (ii) about the physical risks a child may  
3-33 face while participating in the program; and

3-34 (E) that conducts background checks for all  
3-35 program employees and volunteers who work with children in the  
3-36 program using information that is obtained from the Department of  
3-37 Public Safety;

3-38 (19) an elementary-age (ages 5-13) recreation program  
3-39 that:

3-40 (A) adopts standards of care, including  
3-41 standards relating to staff ratios, staff training, health, and  
3-42 safety;

3-43 (B) provides a mechanism for monitoring and  
3-44 enforcing the standards and receiving complaints from parents of  
3-45 enrolled children;

3-46 (C) does not advertise as or otherwise represent  
3-47 the program as a child-care facility, day-care center, or  
3-48 before-school or after-school program or that the program offers  
3-49 child-care services;

3-50 (D) informs parents that the program is not  
3-51 licensed by the state;

3-52 (E) is organized as a nonprofit organization or  
3-53 is located on the premises of a participant's residence;

3-54 (F) does not accept any remuneration other than a  
3-55 nominal annual membership fee;

3-56 (G) does not solicit donations as compensation or  
3-57 payment for any good or service provided as part of the program; and

3-58 (H) conducts background checks for all program  
3-59 employees and volunteers who work with children in the program  
3-60 using information that is obtained from the Department of Public  
3-61 Safety;

3-62 (20) a living arrangement in a caretaker's home  
3-63 involving one or more children or a sibling group, excluding  
3-64 children who are related to the caretaker, in which the caretaker:

3-65 (A) had a prior relationship with the child or  
3-66 sibling group or other family members of the child or sibling group;

3-67 (B) does not care for more than one unrelated  
3-68 child or sibling group;

3-69 (C) does not receive compensation or solicit

4-1 donations for the care of the child or sibling group; and  
 4-2 (D) has a written agreement with the parent to  
 4-3 care for the child or sibling group;

4-4 (21) a living arrangement in a caretaker's home  
 4-5 involving one or more children or a sibling group, excluding  
 4-6 children who are related to the caretaker, in which:

4-7 (A) the department is the managing conservator of  
 4-8 the child or sibling group;

4-9 (B) the department placed the child or sibling  
 4-10 group in the caretaker's home; and

4-11 (C) the caretaker had a long-standing and  
 4-12 significant relationship with the child or sibling group before the  
 4-13 child or sibling group was placed with the caretaker; or

4-14 (22) a living arrangement in a caretaker's home  
 4-15 involving one or more children or a sibling group, excluding  
 4-16 children who are related to the caretaker, in which the child is in  
 4-17 the United States on a time-limited visa under the sponsorship of  
 4-18 the caretaker or of a sponsoring organization.

4-19 SECTION 4. Section 42.042, Human Resources Code, is amended  
 4-20 by amending Subsections (g) and (i) and adding Subsection (g-1) to  
 4-21 read as follows:

4-22 (g) In promulgating minimum standards the department may  
 4-23 recognize and treat differently the types of services provided by  
 4-24 the following:

4-25 (1) registered family homes;  
 4-26 (2) child-care facilities, including child-care  
 4-27 institutions, foster group homes, foster homes, group day-care  
 4-28 homes, and day-care centers;

4-29 (3) child-placing agencies;  
 4-30 (4) agency foster homes; ~~and~~

4-31 (5) agency foster group homes;

4-32 (6) before-school or after-school programs; and

4-33 (7) school-age programs.

4-34 (g-1) In determining and enforcing minimum standards for a  
 4-35 school-age program, the department shall consider commonly  
 4-36 accepted training methods for the development of a skill, talent,  
 4-37 ability, expertise, or proficiency that are implemented with the  
 4-38 consent of the parent or guardian of the participant and that are  
 4-39 fundamental to the core purpose of the program.

4-40 (i) ~~Before adopting minimum standards, the department shall~~  
 4-41 ~~[present the proposed standards to the State Advisory Committee on~~  
 4-42 ~~Child-Care Facilities for review and comment, and shall]~~ send a  
 4-43 copy of the proposed standards to each licensee covered by the  
 4-44 proposed standards at least 60 days before the standards take  
 4-45 effect to provide the licensee an opportunity to review and to send  
 4-46 written suggestions to ~~[the committee and]~~ the department.

4-47 SECTION 5. Subsection (b), Section 42.044, Human Resources  
 4-48 Code, is amended to read as follows:

4-49 (b) The department shall inspect all licensed or certified  
 4-50 facilities at least once a year and may inspect other facilities or  
 4-51 registered family homes as necessary. The department shall  
 4-52 investigate a listed family home when the department receives a  
 4-53 complaint of abuse or neglect of a child, as defined by Section  
 4-54 261.401 ~~[261.001]~~, Family Code. At least one of the annual visits  
 4-55 must be unannounced and all may be unannounced.

4-56 SECTION 6. Subchapter C, Chapter 42, Human Resources Code,  
 4-57 is amended by adding Section 42.04412 to read as follows:

4-58 Sec. 42.04412. INTERFERENCE WITH INSPECTION; COURT ORDER.

4-59 (a) A person may not interfere with an investigation or inspection  
 4-60 of a facility or family home conducted by the department under this  
 4-61 chapter.

4-62 (b) During an investigation or inspection of a facility or  
 4-63 family home under this chapter, the facility or family home shall  
 4-64 cooperate with the department and allow the department to:

4-65 (1) access the records of the facility or family home;

4-66 (2) access any part of the premises of the facility or  
 4-67 family home; and

4-68 (3) interview any child, employee, or other person who  
 4-69 is present at the facility or family home and who may have

5-1 information relevant to the investigation or inspection.

5-2 (c) If access to the records or premises of the facility or  
 5-3 family home cannot be obtained, a district court in Travis County or  
 5-4 in the county in which the facility or family home is located, for  
 5-5 good cause shown and without prior notice or a hearing, shall issue  
 5-6 an order granting the department access to the records or premises  
 5-7 in order to conduct the inspection, investigation, or interview.

5-8 (d) To assist the department in investigating whether a  
 5-9 person is operating a facility or family home without a required  
 5-10 license, certification, registration, or listing, a district court  
 5-11 in Travis County or in the county in which the suspected facility or  
 5-12 family home is located may, for good cause shown and without prior  
 5-13 notice or a hearing, issue an order allowing the department to enter  
 5-14 the suspected facility or family home at a time when the  
 5-15 department's evidence shows that the suspected facility or family  
 5-16 home may be providing child care subject to regulation under this  
 5-17 chapter.

5-18 SECTION 7. Subsection (a), Section 42.0461, Human Resources  
 5-19 Code, is amended to read as follows:

5-20 (a) Before the department may issue a license or certificate  
 5-21 ~~[to operate under Subchapter E]~~ for the operation or the expansion  
 5-22 of the capacity of a foster group home or foster family home that is  
 5-23 located in a county with a population of less than 300,000 and that  
 5-24 provides child care for 24 hours a day at a location other than the  
 5-25 actual residence of a child's primary caretaker or of a child care  
 5-26 institution, the applicant for the license, certificate, or  
 5-27 expansion shall, at the applicant's expense:

5-28 (1) conduct a public hearing on the application in  
 5-29 accordance with department rules after notifying the department of  
 5-30 the date, time, and location of the hearing; and

5-31 (2) publish notice of the application in a newspaper  
 5-32 of general circulation in the community in which the child-care  
 5-33 services are proposed to be provided.

5-34 SECTION 8. Subsections (c), and (e), Section 42.072, Human  
 5-35 Resources Code, are amended to read as follows:

5-36 (c) The department may not issue a license, listing,  
 5-37 registration, or certification to a person whose license, listing,  
 5-38 registration, or certification is revoked or whose application for  
 5-39 a license, listing, registration, or certification is denied for a  
 5-40 substantive reason under this chapter before~~+~~

5-41 ~~[(1)]~~ the fifth anniversary of the date on which the  
 5-42 revocation takes effect by department or court order or the  
 5-43 decision to deny the application is final~~[, if the facility is a~~  
 5-44 ~~residential child-care facility, or~~

5-45 ~~[(2)]~~ the second anniversary of the date on which the  
 5-46 revocation takes effect by department or court order or the  
 5-47 decision to deny the application is final, if the facility is not a  
 5-48 residential child-care facility].

5-49 (e) A person may continue to operate a facility or family  
 5-50 home during an appeal of a license, listing, or registration denial  
 5-51 or revocation unless the operation of the facility or family home  
 5-52 ~~[revocation or denial is based on a violation which]~~ poses a risk to  
 5-53 the health or safety of children. The executive commissioner  
 5-54 ~~[department]~~ shall by rule establish the criteria for determining  
 5-55 whether the operation of a facility or family home poses  
 5-56 [violations which pose] a risk to the health or safety of children.  
 5-57 The department shall notify the facility or family home of the  
 5-58 criteria the department used to determine that the operation of the  
 5-59 facility or family home [violation which] poses a risk to health or  
 5-60 safety and that the facility or family home may not operate. A  
 5-61 person who has been notified by the department that the facility or  
 5-62 home may not operate under this section may seek injunctive relief  
 5-63 from a district court in Travis County or in the county in which the  
 5-64 facility or home is located to allow operation during the pendency  
 5-65 of an appeal. The court may grant injunctive relief against the  
 5-66 agency's action only if the court finds that the child-care  
 5-67 operation does not pose a health or safety risk to children. A  
 5-68 court granting injunctive relief under this subsection shall have  
 5-69 no other jurisdiction over an appeal of final agency action unless

6-1 conferred by Chapter 2001, Government Code.

6-2 SECTION 9. Subsection (c), Section 42.073, Human Resources  
6-3 Code, is amended to read as follows:

6-4 (c) An order is valid for 30 [~~10~~] days after the effective  
6-5 date of the order[~~, except that an order relating to a residential~~  
6-6 ~~child-care facility is valid for 30 days after the effective date of~~  
6-7 ~~the order].~~

6-8 SECTION 10. Subsection (a), Section 42.074, Human Resources  
6-9 Code, is amended to read as follows:

6-10 (a) The department may file suit in a district court in  
6-11 Travis County or in the county in which a facility or family home is  
6-12 located for assessment and recovery of a civil penalty under  
6-13 Section 42.075, for injunctive relief, including a temporary  
6-14 restraining order, or for both a civil penalty and injunctive  
6-15 relief when [~~When~~] it appears that a person:

6-16 (1) has violated, is violating, or is threatening to  
6-17 violate the licensing, certification, listing, or registration  
6-18 requirements of this chapter or the department's licensing,  
6-19 certification, listing, or registration rules and standards; or

6-20 (2) knowingly fails to meet or maintain an exemption  
6-21 authorized under Section 42.041 and engages in activities that  
6-22 require a license or registration[~~, the department may file a suit~~  
6-23 ~~in a district court in Travis County or in the county where the~~  
6-24 ~~facility or family home is located for assessment and recovery of~~  
6-25 ~~civil penalties under Section 42.075, for injunctive relief,~~  
6-26 ~~including a temporary restraining order, or for both injunctive~~  
6-27 ~~relief and civil penalties].~~

6-28 SECTION 11. Subsection (a), Section 42.075, Human Resources  
6-29 Code, is amended to read as follows:

6-30 (a) A person is subject to a civil penalty of not less than  
6-31 \$50 nor more than \$100 for each day of violation and for each act of  
6-32 violation if the person:

6-33 (1) threatens serious harm to a child in a facility or  
6-34 family home by violating a provision of this chapter or a department  
6-35 rule or standard;

6-36 (2) violates a provision of this chapter or a  
6-37 department rule or standard three or more times within a 12-month  
6-38 period; [~~or~~]

6-39 (3) places a public advertisement for an unlicensed  
6-40 facility or an unlisted or unregistered family home;

6-41 (4) knowingly fails to meet or maintain any criterion  
6-42 of an exemption authorized under Section 42.041 and engages in  
6-43 activities that require a license or registration; or

6-44 (5) fails to inform the department of a change in  
6-45 status and the person knows the change in status requires the person  
6-46 to be licensed or registered under this chapter.

6-47 SECTION 12. Section 42.077, Human Resources Code, is  
6-48 amended by amending Subsection (a) and adding Subsection (a-1) to  
6-49 read as follows:

6-50 (a) If the department revokes or suspends a facility's  
6-51 license or a family home's listing or registration, the department  
6-52 shall publish notice of this action:

6-53 (1) in a newspaper of general circulation in the  
6-54 county in which the facility or family home is located; or

6-55 (2) on the department's Internet website along with  
6-56 other information regarding child-care services.

6-57 (a-1) If notice is published in a newspaper under Subsection  
6-58 (a), the [~~The~~] newspaper shall place the notice in the section in  
6-59 which advertisements for day-care services are normally published.

6-60 SECTION 13. Subsection (b), Section 261.401, Family Code,  
6-61 is amended to read as follows:

6-62 (b) A state agency that operates, licenses, certifies, [~~or~~]  
6-63 registers, or lists a facility in which children are located or  
6-64 provides oversight of a program that serves children shall make a  
6-65 prompt, thorough investigation of a report that a child has been or  
6-66 may be abused, neglected, or exploited in the facility or program.  
6-67 The primary purpose of the investigation shall be the protection of  
6-68 the child.

6-69 SECTION 14. The following provisions of the Human Resources

7-1 Code are repealed:

7-2 (1) Subsection (b-1), Section 42.041; and

7-3 (2) Subsection (c), Section 42.0431.

7-4 SECTION 15. (a) The change in law made by this Act to  
7-5 Subsection (c), Section 42.072, Human Resources Code, applies only  
7-6 to the issuance of a license, listing, registration, or  
7-7 certification to a person whose license, listing, registration, or  
7-8 certification is revoked or whose application for a license,  
7-9 listing, registration, or certification is denied for a substantive  
7-10 reason on or after the effective date of this Act. The issuance of a  
7-11 license, listing, registration, or certification to a person whose  
7-12 license, listing, registration, or certification was revoked or  
7-13 whose application for a license, listing, registration, or  
7-14 certification was denied for a substantive reason before the  
7-15 effective date of this Act is governed by the law in effect when the  
7-16 license, listing, registration, or certification was revoked or the  
7-17 application was denied for a substantive reason, and the former law  
7-18 is continued in effect for that purpose.

7-19 (b) Sections 42.074 and 42.075, Human Resources Code, as  
7-20 amended by this Act, apply only to conduct that occurs on or after  
7-21 the effective date of this Act. Conduct that occurs before the  
7-22 effective date of this Act is governed by the law in effect  
7-23 immediately before that date, and that law is continued in effect  
7-24 for that purpose.

7-25 SECTION 16. (a) The change in law made by this Act by which  
7-26 a school-age program is required to be licensed under Chapter 42,  
7-27 Human Resources Code, as amended by this Act, takes effect on the  
7-28 later of:

7-29 (1) the date on which the Department of Family and  
7-30 Protective Services adopts minimum standards for school-age  
7-31 programs in accordance with Section 42.042, Human Resources Code,  
7-32 as amended by this Act; or

7-33 (2) September 1, 2010.

7-34 (b) The change in law made by this Act by which a  
7-35 before-school or after-school program is required to be licensed  
7-36 under Chapter 42, Human Resources Code, as amended by this Act,  
7-37 takes effect on the later of:

7-38 (1) the date on which the Department of Family and  
7-39 Protective Services adopts minimum standards for before-school or  
7-40 after-school programs in accordance with Section 42.042, Human  
7-41 Resources Code, as amended by this Act; or

7-42 (2) September 1, 2010.

7-43 (c) The Department of Family and Protective Services shall  
7-44 adopt minimum standards as provided by Section 42.042, Human  
7-45 Resources Code, as amended by this Act, as soon as practicable after  
7-46 the effective date of this Act, but not later than September 1,  
7-47 2010.

7-48 SECTION 17. Except as otherwise provided by this Act, this  
7-49 Act takes effect September 1, 2009.

7-50 \* \* \* \* \*