

Background Checks Overview of Changes and FAQ

Family Support Services (FSS)

Formerly Prevention and Early Intervention (PEI)



TEXAS
Health and Human
Services

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Background Checks

Overview

Prevention and Early Intervention (PEI), which will be known as Family Support Services (FSS) on September 1, 2024, will no longer be able to use the Automated Background Check System (ABCS) at DFPS once transferred to the Health and Human Services Commission (HHSC).

Starting on September 1, 2024, grantees are responsible for independently managing background check requirements by establishing their own process for criminal background checks through local vendors or agreements, as well as for Texas Child Abuse/Neglect Central Registry Background Check through the Texas Department of Family and Protective Services (DFPS) background check unit.

Policy

As of September 1, 2024, grantees must complete a **name-based criminal history check and central registry check** on every new hire, volunteer, or other person who will be working under the auspices of the grantee before the person has direct contact with children or families or access to Personally Identifying Information (PII), including employees who have had a fingerprint-based check as a requirement of their professional licensure. An FBI **fingerprint-based criminal history check** is required if the person has lived outside of Texas within the last 5 years.

Any employee or other person working under the grantee's auspices who has direct contact with children or families or access to PII must renew the required background checks at least every 24 months.

Grantees will develop and maintain policies that reflect these requirements and the guidance below.

Types of Checks

Name-based Criminal History

A Texas name-based criminal history check is a criminal history check requested through the Texas Department of Public Safety (DPS). The results of this check include all Texas-based

arrests and dispositions (outcomes), including convictions and cases with unknown dispositions. The search sometimes produces results on juvenile criminal history.

FBI Fingerprint-based Criminal History

The fingerprint-based criminal history check is a search of both the DPS database of crimes committed in Texas and the Federal Bureau of Investigation (FBI) database of crimes committed within the United States. The Texas Government Code authorizes only certain types of agencies to conduct fingerprint-based national criminal history searches through the Texas Department of Public Safety (DPS).

If a grantee lacks direct legal authority under the Texas Government Code, they can request the FBI fingerprint-based, national criminal history searches from applicants, prospective volunteers, or current employees and volunteers if they have resided outside of Texas for the past 5 years.

Texas Child Abuse/Neglect Central Registry Background Check

This is a check against the database of persons who have been found by DFPS or HHSC to have abused or neglected a child. See 40 TAC, [Chapter 702, Subchapter C, Child Abuse and Neglect Central Registry](#). The following link contains detailed information about the process and what steps the staff or volunteer needs to take to complete the Request for a Central Registry Check: https://www.dfps.texas.gov/handbooks/Background_Checks/Files/BC_pg_6000.asp

Guidance

The following process will meet the background check requirements for those FSS grantees that do not have Texas Government Code authority to conduct background checks on its employees and volunteers.

1. Request the criminal history:

- a. For the **name-based criminal history check**, the grantee has the option to have the person complete the check for themselves, have the agency to complete on behalf of the person or elect to use a private vendor. As an option, the check can be requested through [Texas Department of Public Safety \(DPS\)](#).
- b. If the employee has resided outside of Texas for the past five (5) years, they should visit the [IdentoGo](#) website to conduct a **FBI fingerprint-based criminal history search**. For FBI checks, the prospective employee or volunteer should:
 1. Select the FBI History Check.
 2. Complete the required information to schedule an appointment.
- a. For the **Texas Child Abuse/Neglect Central Registry Background Check**, the subject of the background check must read and complete Sections 1-5 of Form 2970 Request for Child Abuse/Neglect Central Registry Check PDF Document. The form must be notarized and legible (either typed or printed clearly in ink). The form can be submitted to Background Checks using any of the following methods:
 - i. Email (preferred): [Texas Abuse/Neglect Background Checks](#)
 - ii. FAX: (512) 339-5829
 - iii. Mail: Background Checks TX Abuse Neglect BGC, M/C 4111
 - iv. PO Box 149030, Austin, TX 78714-9030

2. Receive results of background checks.

Name-based criminal history checks conducted by the FSS grantee, or a third-party vendor will come directly to the FSS grantee. All other checks: name-based criminal history checks conducted by the grantee employee/volunteer; FBI fingerprint checks and DFPS Central Registry checks will be received by the grantee employee/volunteer.

3. Review results of background checks.

The volunteer/employee conducted checks must be provided by the employee/volunteer to the hiring/agency representative.

4. All documentation must be maintained.

For questions related to background checks during this transition phase, please email peicontracting@dfps.texas.gov.

Monitoring and Billing

Monitoring Background Checks

FSS requires a grantee to maintain records, including background check documentation, that adequately support goods and services provided in compliance with their contract terms and conditions. We monitor to ensure that the checks are being completed as required.

During a comprehensive or targeted monitoring event, FSS will require:

- Letter of clearance for central registry check.
- Documentation the criminal history check was completed and reviewed by an agency representative.
- Documentation of grantee's policies and procedures related to background checks which should include person responsible for reviewing and a determination on if a risk assessment is needed.

Billing for Background Checks

Required backgrounds checks are considered a reimbursable expense.

Frequently Asked Questions

Who is required to have a background check?

Any employee, volunteer, or other person working under the grantee's auspices who has direct contact with children or families or access to Personally Identifying Information (PII) must complete a name-based criminal history review and central registry check. For information on types that may affect a subject's ability to work under the auspices of the grantee, have direct contact with children or families, or have access to PII, see [Criminal Bar Listing](#).

When are background check renewals due?

Depending on the original background check request date, you must complete a new name-based criminal history and central registry background check request. If the individual has resided outside of Texas for the past 5 years, they must undergo a fingerprint-based background check.

What if I have multiple grants?

Duplicate background checks under each grant are not required if the following conditions are met:

- Services are being provided under the auspices of the same legal entity;
- The person is providing services in the same role under each grant; and
- The background check on file is within the previous 24 months.

What is PII?

PII refers to any information that can be used alone or in conjunction with any other personal information to identify a specific individual. PII encompasses any data that facilitates the search, identification, or access of individuals' records. Examples include name, Social Security number (SSN), date of birth (DOB), Social Security benefit data, and state or government-issued driver license number.

Why is a new background check needed if a person changes roles under my grant?

Background check assessments often depend on the subject's role. An administrative office assistant has very different job duties and a different level of child or family interaction than a counselor. Grantees must consider the amount and type of participant interaction when assessing the risk posed by certain background check results.

How much does an FBI fingerprint check cost?

The total cost may vary depending on the selected vendor. Some sites have provided an example to FSS, including IdentoGo charging the subject a nominal fee of \$10 on site and then billing the organization an additional \$28.50 per fingerprint.

How do I submit a background check request?

The name-based criminal history check is a criminal history check requested through the [Texas Department of Public Safety \(DPS\)](#). The Fingerprint-based Criminal History Checks can be completed via [IdentoGo](#). The Central Registry Check can be submitted via [Form 2970 Request for Child Abuse/Neglect Central Registry Check](#) for each subject for which a background check is requested.

I received background check results that indicate a person is barred from working under my grant. What do I need to do?

The grantee is responsible for ensuring that a subject does not work with children or families and has no access to PII. You should also save the letter for your own records.

Does the FBI fingerprint requirement apply for volunteers?

Any employee, volunteer, or other person who has lived outside of Texas within the last 5 years who will be working under the auspices of the grantee and has direct contact with children or families or access to Personally Identifying Information (PII) must complete an FBI fingerprint-based criminal history review and central registry check.

If we have a cleared background check through ABCS due to our contracts with DFPS, do we have to have another one completed?

Every 24 months, you must complete background checks. If you initially completed the background check through ABCS, please take a screenshot of cleared persons for your records to complete the new request by the next due date.

We have a set of checks that are currently set for recheck every year in ABCS. Does this mean they will now go to every two years?

This question may be outside of the scope for FSS grants. This policy and procedure change is only applicable to FSS grants.

If a staff person has received a background checks processed by a public agency, would that be acceptable as an alternative to ABCS?

FSS will accept checks completed by other public agencies as compliant with FSS's background check guidelines as long as the check complies with the laws granting that public agency permission to conduct background checks and is current within the 24-month period.