

Background Checks Overview of Changes and FAQ

Family Support Services



TEXAS
Health and Human
Services

September 2024

Background Checks

Overview

Family Support Services is no longer using the Texas Department of Family and Protective Services (DFPS) Automated Background Check System (ABCS).

As of Sept. 1, 2024, grantees are responsible for 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 and Neglect Central Registry Background Check through the DFPS background check unit.

Policy

As of Sept. 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 with the help and support of the grantee.

Both the criminal history check and central registry check must occur before the person has direct contact with children or families or access to their personally identifying information (e.g., Social Security number, driver license number, credit card number). This includes 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 five years.

Any employee or other person working with the help and support of the grantee who has direct contact with children, families or access to personally identifying information must renew the required background checks at least every 24 months.

It is the responsibility of grantees to review results and screen subjects for clearance to have direct contact with clients or personally identifying information. Grantees should reference the screening criteria for licensed child care centers to determine whether someone is prohibited from having direct contact with a client or further discretion is needed.

Types of Checks

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

Name-Based Criminal History

A Texas name-based criminal history check is 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 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 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 lived outside of Texas within the past five years.

Texas Child Abuse and Neglect Central Registry Background Check

The state Child Abuse and Neglect Central Registry background check uses a database of persons who have been found by DFPS or HHSC to have abused or neglected a child. (See 40 Texas Administrative Code, [Chapter 702, Subchapter C, Child Abuse and Neglect Central Registry](#).) DFPS provides [detailed information about the process](#) and what steps staff or volunteers need to take to complete the request for a Central Registry check.

Guidance

The following process will meet the background check requirements for Family Support Services grantees that don't have Texas Government Code authority to conduct background checks on 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 complete on behalf of the person or elect to use a private vendor. The check can be requested through the [Texas Department of Public Safety](#).
- b. If the employee has lived outside of Texas within the past five years, they should use a vendor to conduct an **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.
- c. For the **Texas Child Abuse and Neglect Central Registry Background Check**, you can now request a background check through the new Texas Central Registry portal. Log in to the Texas Central Registry portal through the [My DFPS Application Passport](#) to:
 - Submit a central registry check for yourself.
 - View the status of your central registry check.
 - Print or save a copy of your central registry check.

2. Receive results of background checks.

The results of name-based criminal history checks conducted by the Family Support Services grantee or a third-party vendor will be sent directly to that grantee. When a Family Support Services grantee or vendor requests a name-based criminal history check about a grantee or vendor employee or volunteer, the results will be sent to the requesting grantee or vendor. When a grantee employee or volunteer requests a name-based check on their own behalf, the results will be sent directly to that employee or volunteer. All other checks, including FBI fingerprint checks and DFPS Central Registry checks, will also be sent to the grantee employee or volunteer.

3. Review results of background checks.

Volunteer- and employee-conducted checks must be provided by the employee or volunteer to the hiring or agency representative.

4. All documentation must be maintained.

For questions about background checks, email fsscontracting@hhs.texas.gov.

Monitoring and Billing

Monitoring Background Checks

Family Support Services requires grantees to maintain records, including background check documentation, that adequately support goods and services provided in compliance with their contract terms and conditions. Family Support Services monitors to ensure that checks are being completed as required.

During a comprehensive or targeted monitoring event, Family Support Services will require:

- A letter of clearance for a central registry check.
- Documentation showing the criminal history check was completed and reviewed by an agency representative.
- Documentation of grantee's policies and procedures related to background checks including the person responsible for reviewing and a determination on whether a risk assessment is needed.
- Documentation of any justification for allowing direct contact with a child or personally identifying information despite a criminal or central registry history.

Billing for Background Checks

Required background checks are reimbursable.

Frequently Asked Questions

Who is required to have a background check?

Any employee, volunteer or other person working with the help and support of a grantee who has direct contact with children or families or access to personally identifying information must complete a name-based criminal history review and central registry check.

For information on the types of criminal convictions that may affect someone's ability to work with the help and support of the grantee, have direct contact with children or families, or have access to their personally identifying information, see [Licensed or Certified Child Care Operations: Criminal History Requirements \(PDF\)](#).

What if the subject has a criminal or central registry history?

Some convictions may result in someone being permanently barred from employment with the grantee. However, there are cases when you may permit an employee's direct contact with children, families or access to their personal information despite the person having a criminal history or being on the central registry. In these instances, you must document the justification in the personnel file and any additional precautions taken to ensure the safety of children and families.

When are background check renewals due?

Any employee or other person working with the help and support of the grantee who has direct contact with children, families or access to personally identifying information must renew the required background checks at least every 24 months. The need to renew a name-based criminal history check or central registry background check is based on the request date. If the person has lived outside of Texas within the past five 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 with the support or help of the same legal entity.
- The person is providing services in the same role under each grant.
- The background check on file is within the previous 24 months.

What is Personally Identifying Information?

Personally identifying information is any information that can be used alone or with other information to identify a specific person. Personally identifying information is any data that facilitates the search of, identification of, or access to an individual's records. Examples include a person's name, Social Security number, date of birth, Social Security benefit data, or state-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 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 cost may vary depending on the selected vendor.

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 by a vendor. The Central Registry Check can be submitted through the [My DFPS Application Passport](#) 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 doesn't work with children or families and has no access to their personal information. You should also save the letter for your records.

Does the FBI fingerprint requirement apply to volunteers?

Any employee, volunteer or other person who has lived outside of Texas within the last five years who will be working with the help and support of the grantee and has direct contact with children or families or access to their personal information must complete an FBI fingerprint-based criminal history review and central registry check.

If we have a cleared background check through the DFPS Automated Background Check System, do we need to do another one?

Grantees must complete background checks every 24 months. If you initially completed the background check through Automated Background Check System (ABCS), take a screenshot of cleared persons for your records and complete the new request by the next due date.

Are background checks processed by a public agency acceptable as an alternative to ABCS?

Family Support Services will accept checks completed by other public agencies if the check is:

- Compliant with Family Support Services background check guidelines.
- Complies with the laws granting that public agency permission to conduct background checks.
- Current within the last 24 months.