



# Background Checks

## Abbreviated Overview of Rule Changes

- Temporary Shelter Care Operations
- Small Employer-Based Child Care Operations
- Listed Family Homes Caring for Relatives Only

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### Overview of Changes

This document provides temporary shelter care operations, small-employer based operations, and listed family homes that only provide care to related children with an abbreviated overview of the rule changes related to background check requirements that become effective on January 13, 2019. Please note that this document does not apply to a listed family home that provides care to children who are **not** related to the caregiver (instead, please see Background Checks, Abbreviated Overview of Rule Changes, Listed Family Homes).

### Who Needs a Background Check?

This table describes people who need background checks (§745.605) and divides those people into groups. Please note that the list of people who require a background check remains substantially the same. The chart on page 3 of this document describes the types of checks each group requires.

| Group A                             | Description                                    |
|-------------------------------------|--|
| Owners                              | Includes the permit holder.                    |
| Employees and Prospective Employees | Includes a caregiver or prospective caregiver. |

| Group A   | Description   |
|---|---|
| <p>A person 14 years or older, who:</p> <ol style="list-style-type: none"> <li>1. Is counted in the child/caregiver ratio;</li> <li>2. Has unsupervised access to children in care;</li> <li>3. Is regularly or frequently present at the operation or home; or</li> <li>4. Resides in the listed family home.</li> </ol> | <p>Includes:</p> <ol style="list-style-type: none"> <li>1. A visitor who has unsupervised access to children in care;</li> <li>2. A volunteer;</li> <li>3. A person who is present in the operation or home on a scheduled basis or at least three or more times in a 30-day period; and</li> <li>4. A household member of a listed family home.</li> </ol> |

| Group B  | Description   |
|--|---|
| <p>A person who has lived outside the state of Texas in the past 5 years</p> | <p>Includes a person who:</p> <ul style="list-style-type: none"> <li>• meets one of the categories in Group A; <b>and</b></li> <li>• has lived out of state in the past 5 years.</li> </ul> |

| Group C   | Description  |
|---|--|
| <p>A person who does not require a background check</p> | <p>Includes a parent who is only at the home or operation to visit their child drop off or pick up their child, eat lunch with their child, or observe or console their child.<br/>(§745.601(15)(C))</p> |

## What Types of Background Checks Are Required?

This table indicates which types of background checks are currently required and what types of background checks will be required on January 13, 2019. (§§745.609; 745.611; 745.613)

Please note that a person in Group A and Group B become part of Group C if the person has lived out of state in the past five years. The primary difference between current and new requirements are:

- people who have lived out of state in the past 5 years must also have out-of-state child abuse and neglect and sex offender registry checks (§745.613); and
- the renewal frequency for people who have had fingerprint checks is every **5 years** instead of every 2 years (§745.621).

### What Types of Background Checks Are Required?

R = required background check, X = not required

|   | Group A           |                  | Group B           |                  |
|---|-------------------|------------------|-------------------|------------------|
|   | Before<br>1/13/19 | As of<br>1/13/19 | Before<br>1/13/19 | As of<br>1/13/19 |
| <b>Texas Central Registry</b>                       | R                 | R                | R                 | R                |
| <b>FBI Fingerprint Based Criminal History</b>       | X                 | X                | R                 | R                |
| <b>DPS Name-Based Criminal History (Texas Only)</b> | X                 | X                | R                 | R                |
| <b>Renewal Frequency</b>                            | <b>2 years</b>    | <b>5 years</b>   | <b>2 years</b>    | <b>2 years</b>   |

### What are my responsibilities?

| Responsibility  | Details   |
|---|---|
| Submitting background checks  | <p>You must submit requests for background checks through your online Child Care Licensing Account or by sending in <i>Form 2971 Child Care Licensing Background Check</i> to the Centralized Background Check Unit. (§745.617)</p> <p>Temporary shelter child care programs and small-employer based child care operations should submit checks using Form 2971.</p> <p>Please note that the information you enter must be complete and accurate when you click submit. (§745.619) If you reenter a background check because your first submission was incorrect, you will be charged \$2 for each submission.</p> |
| Receive notification from CBCU before allowing a person to work or be present at your operation | You must receive notification from CBCU that a person is eligible or eligible with conditions before the person can work or be present at your home. (§745.641)   |
| Adhere to conditions placed on a person's presence at the operation                             | If CBCU informs you that a person is eligible to be at your operation or home only under certain conditions, you must ensure the person follows the conditions CBCU placed on the person. (§§745.635; 745.637)  |

| Responsibility  | Details   |
|---|---|
| Remove a person who is ineligible to be at your operation | If CBCU informs you that a person is <i>ineligible</i> to be at your operation, you must not allow the person to be present. (§745.635)   |
| Inactivate a person's role                                | When a person is no longer associated with your operation or home (for example, a person leaves employment or moves out of the home), you must inactivate the person's association with your operation. You may complete this task through your online Child Care Licensing Account or contacting your local Licensing office. (§745.651)   |
| Validate your person list                                 | <p>You must validate that the list of people associated with your operation is accurate.</p> <ul style="list-style-type: none"> <li>• At least once every three months for temporary shelter operations and small-employer based operations; and</li> <li>• At least once a year for listed family homes.</li> </ul> <p>You must complete this task through your online Child Care Licensing Account or by contacting your local Licensing office. (§745.651)</p> |

### What are the responsibilities of the person who is the subject of the background check?

| Responsibility  | Details  |
|---|--|
| Schedule and attend appointment to submit fingerprints for FBI Fingerprint Based Criminal History check | CBCU will notify a person in Group B with information on how to schedule an appointment to submit fingerprints with the approved fingerprinting vendor. It is the person's responsibility to schedule and attend the appointment. (§745.623) |
| Submitting a risk evaluation request  | If CBCU informs the person that he or she is eligible for a risk evaluation, the person is responsible for submitting the risk evaluation request to CBCU. (§§745.681; 745.683; 745.685; 745.687)  |