



Adoptive Homes: Background Check Notifications from Child Care Licensing

On January 13, 2019, significant rule changes went into effect for Child Care Licensing (CCL) background checks. These rules are captured in [Texas Administrative Code \(TAC\) Title 26, Part 1, Chapter 745, Subchapter F](#). These rules impact the background check processes for Texas child placing agencies (CPAs) as well as the information CPAs receive from CCL to file for adoption consummations. In an effort to help the courts and judges understand the revised processes and notifications, HHS has compiled the following information.

Understanding the Notifications

- For persons whose entire background check clears, CPAs will receive a single notification of eligibility once all required background check types have been completed and cleared. The *Background Check Eligibility Determination* notification will state that the person is “Eligible”. CPAs will no longer receive separate notifications for each background check type completed.
- For persons who have matches in their background check but who are eligible to be present at the foster or adoptive home, CPAs will receive two notices. The *Background Check Eligibility Determination* or *Background Check Conditional Determination* notification identifies the person’s eligibility status as “Eligible” or “Conditionally Eligible”. The *Background Check Match Letter* provides details of the history found.

The table below explains these eligibility determinations further:

Eligibility Determination	What It Means	Action Needed
Eligible	The person can be present at the home, and there is nothing in the background check that will impede the adoption.	The CPA does not need to take any action.

Eligibility Determination	What It Means	Action Needed
Conditional	The person can be present at the home, under the conditions CCL places on the person's presence. There is nothing in the background check that will impede the adoption.	The CPA must ensure the person follows the conditions placed on the person's presence until the point the adoption is consummated.

This information is also available in 26 TAC [RULE §745.633\(b\)](#).

Understanding the Types of Checks Completed

- When a *Background Check Eligibility Determination* or a *Background Check Conditional Determination* notification indicates that the role of the person is Foster Parent, Adoptive Parent, Foster/Adoptive Parent, or Household Member, the background check types listed below are complete and no additional actions are required for the background check:
 - FBI Criminal History Check (fingerprint-based);
 - Texas Department of Public Safety Criminal History Check (fingerprint-based); and
 - Texas Child Abuse/Neglect Central Registry Check
- Additionally, if the person has lived in another state or US territory in the past five years, a *Background Check Eligibility Determination* and *Background Check Conditional Determination* notification also signifies that these additional background checks types below are complete and no additional actions are required:
 - Out-of-State Abuse/Neglect check; and
 - Out-of-State Sex Offender Check
- For fingerprint-based criminal history checks, CCL has participated for many years in the Texas Rap Back program offered by the Department of Public Safety (DPS). This program ensures that CCL is notified of any subsequent Texas arrests for a person fingerprinted for CCL programs. The January 2019 rule and technology changes also allowed CCL to begin participating in the FBI's National Rap Back program for anyone fingerprinted on or after June 1, 2015. CCL will be automatically notified of any new arrests nationwide once the new arrests are reported to the FBI. Hence, the CPA will not have to submit for a new check in order to have up-to-date information concerning criminal history.

Understanding the Approval of the Home

As outlined in rule 26 TAC [§745.649](#) *Can a child-placing agency (CPA) verify a foster family home or approve an adoptive home prior to receiving the background check determinations?*, a CPA must receive a notice that all members of an adoptive household are eligible (*Background Check Eligibility Determination*) or eligible with conditions (*Background Check Conditional Determination*) before approving an adoptive home.