

# Foster or Adoptive Homes: Criminal History Requirements

Revised January 2022

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## Introduction:

In accordance with 26 Texas Administrative Code [§745.661](#) (What types of criminal convictions may affect a subject's ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in Agency Foster and Adoptive Homes, including when the foster or adoptive parents are unrelated to the child and when the foster or adoptive parents are either related to or have a longstanding relationship with the child.

### The terms below have the following meaning when used in this chart:

- **Absolute Bar:** A person convicted of the crime is permanently prohibited from being present at the operation while children are in care, and the person does NOT qualify for a risk evaluation.
- **N/A:** There are two possible meanings for this term in this chart:
  - When used under a column related to a “felony” or “misdemeanor,” the term is used because the crime does not have that offense level; and
  - When used under the column titled “If this person is eligible for a risk evaluation...” the term is used because a conviction for this offense is not eligible for a risk evaluation.
- **No Action Required:** No action is required if a person is convicted of the crime.
- **Risk Evaluation:** A person convicted of this particular crime is eligible for a risk evaluation unless the person has another background check result that is an absolute bar. A risk evaluation will consider all of the person’s background check results.
- **Risk Evaluation if conviction was in the last 10 years:** An approved risk evaluation is necessary for the person to be present at the operation only if the conviction date is within the last 10 years from the date the background check eligibility is determined. After the 10 years have passed, the crime no longer requires an action by HHSC unless the person is on parole for a felony offense.
- **5- (or 20-) Year Bar; Risk Evaluation Thereafter:** A person convicted of the crime is prohibited for 5 (or 20) years from being present at the operation while children are in care. The person requires an approved risk evaluation for the conviction after that time period has passed.
- **5-Year Bar; Risk Evaluation b/w 5 & 10 Years:** A person convicted of the crime is prohibited for 5 years from being present at the operation while children are in care. After the first 5 years have passed, the person requires an approved risk evaluation for the next 5 years. After the total 10 years have passed, the crime no longer requires an action by HHSC unless the person is on parole for a felony offense.

**The following assumptions apply to the chart:**

- This chart applies to all criminal history checks conducted under 26 Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction. When a final disposition has not yet been rendered, an arrest or charge for an offense listed on this chart may affect a person’s ability to be present at an operation if:
  - a conviction would bar the person from being present permanently or on a time-limited basis;
  - a conviction would prohibit the person from being present pending the outcome of a risk evaluation; or
  - the Centralized Background Check Unit (CBCU) determines that the person poses an immediate threat to the health or safety of children.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same outcomes apply to similar criminal offenses under the laws of another state or federal law.
- For purposes of a person's ability to be present at an operation, a Criminal Attempt conviction will be treated as falling under the same section of the Penal Code as the offense that was attempted. Examples:
  - A conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar.
  - A conviction for Criminal Conspiracy or Criminal Solicitation will be treated as falling under the same section of the Penal Code as the offense that was the subject of the conspiracy or the solicitation.
- In accordance with 26 Texas Administrative Code §745.661(c), a person currently on parole for any felony offense not otherwise barrable must have an approved risk evaluation prior to being present at an operation.
- When reviewing additional information received relating to a felony conviction, the person will not be eligible for a risk evaluation if CBCU determines the conviction meets requirements in 42 U.S.C. §671(a)(20)(A).

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**Texas Penal Code, Title 4, Inchoate Offenses**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - <b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - <b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes <b>OR</b> Foster or Adoptive Homes with a Longstanding Relationship with the Child - <b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes <b>OR</b> Foster or Adoptive Homes with a Longstanding Relationship with the Child - <b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation^	Felony: N/A  Misdemeanor: No

**Texas Penal Code, Title 5, Offenses Against the Person**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Murder (felony)	19.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Capital Murder (felony)	19.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Manslaughter (felony)	19.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Criminally Negligent Homicide (felony)	19.05	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Kidnapping (felony)	20.03	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Aggravated Kidnapping (felony)	20.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Smuggling of Persons (felony)	20.05	<ul style="list-style-type: none"> <li>1st Degree: Absolute Bar†</li> <li>2nd or 3rd Degree: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	N/A	<ul style="list-style-type: none"> <li>1st Degree: Absolute Bar†</li> <li>2nd or 3rd Degree: Risk Evaluation</li> </ul>	N/A	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Continuous Smuggling of Persons (felony)	20.06	<ul style="list-style-type: none"> <li>1st Degree: Absolute Bar†</li> <li>2nd Degree: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	N/A	<ul style="list-style-type: none"> <li>1st Degree: Absolute Bar†</li> <li>2nd Degree: Risk Evaluation</li> </ul>	N/A	No
Operation Of A Stash House (misdemeanor)	20.07	N/A	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	No
Trafficking of Persons (felony)	20A.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Continuous Trafficking of Persons (felony)	20A.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Continuous Sexual Abuse of Young Child or Children (felony)	21.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Public Lewdness (misdemeanor)	21.07	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Indecent Exposure (misdemeanor)	21.08	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Bestiality (felony)	21.09	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A
Indecency with a Child (felony)	21.11	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Improper Relationship Between Educator & Student (felony)	21.12	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Invasive Visual Recording (felony)	21.15	20-Year Bar; Risk Evaluation Thereafter	20-Year Bar; Risk Evaluation Thereafter^	Risk Evaluation	Risk Evaluation^	No
Unlawful Disclosure or Promotion of Intimate Visual Material (felony or misdemeanor)	21.16	Absolute Bar	Risk Evaluation^	Absolute Bar	Risk Evaluation^	No
Voyeurism (felony or misdemeanor)	21.17	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Sexual Coercion (felony)	21.18	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A
Unlawful Electronic Transmission Of Sexually Explicit Visual Material (misdemeanor)	21.19	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Assault (felony or misdemeanor)	22.01	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	5-Year Bar†, Risk Evaluation Thereafter	Risk Evaluation	No
Sexual Assault (felony)	22.011	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Indecent Assault (misdemeanor)	22.012	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Aggravated Assault (felony)	22.02	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†, Risk Evaluation Thereafter	N/A	No
Aggravated Sexual Assault (felony)	22.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Injury to a Child, Elderly Individual, or Disabled Individual (felony)	22.04	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Abandoning or Endangering Child (felony)	22.041	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Deadly Conduct (felony or misdemeanor)	22.05	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Terroristic Threat (felony or misdemeanor)	22.07	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Aiding Suicide (felony or misdemeanor)	22.08	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Tampering with a Consumer Product (felony)	22.09	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Leaving a Child in a Vehicle (misdemeanor)	22.10	N/A	Risk Evaluation	N/A	Risk Evaluation	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Harassment by Persons in Certain Correctional Facilities; Harassment of a Public Servant (felony)	22.11	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No

**Texas Penal Code, Title 6, Offenses Against the Family**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Bigamy (felony)	25.01	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Prohibited Sexual Conduct (felony)	25.02	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Interference with Child Custody (felony)	25.03	20-Year Bar; Risk Evaluation Thereafter	20-Year Bar; Risk Evaluation Thereafter^	Risk Evaluation	Risk Evaluation^	No



Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Agreement to Abduct from Custody (felony)	25.031	20-Year Bar; Risk Evaluation Thereafter	20-Year Bar; Risk Evaluation Thereafter^	Risk Evaluation	Risk Evaluation^	No
Enticing a Child (felony or misdemeanor)	25.04	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Criminal Nonsupport (felony)	25.05	Risk Evaluation	Risk Evaluation^	Risk Evaluation	Risk Evaluation^	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case (felony or misdemeanor)	25.07	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Violation of Protective Order Preventing Offense Caused by Bias or Prejudice (felony or misdemeanor)	25.071	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case (felony or misdemeanor)	25.072	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No
Sale or Purchase of Child (felony)	25.08	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Unregulated Custody Transfer of Adopted Child (felony)	25.081	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Advertising for Placement of Child (felony or misdemeanor)	25.09	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Interference with Rights of a Guardian of the Person (felony)	25.10	20-Year Bar; Risk Evaluation Thereafter	20-Year Bar; Risk Evaluation Thereafter^	Risk Evaluation	Risk Evaluation^	No
Continuous Violence Against the Family (felony)	25.11	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

**Texas Penal Code, Title 7, Offenses Against Property**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Arson (felony)	28.02	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation	No Action Needed	Risk Evaluation	No Action Needed	No
Robbery (felony)	29.02	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Aggravated Robbery (felony)	29.03	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†, Risk Evaluation Thereafter	N/A	No
Burglary (felony)	30.02	Risk Evaluation if the conviction related to the burglary of a habitation no matter when the conviction occurred. Otherwise, risk evaluation if conviction was in the last 10 years	No Action Required^	Risk Evaluation if the conviction related to the burglary of a habitation no matter when the conviction occurred. Otherwise, risk evaluation if conviction was in the last 10 years	No Action Required^	Yes^^
Theft (felony or misdemeanor)	31.03 31.04 31.05 31.12 31.16	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Mail Theft (felony or misdemeanor)	31.20	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Forgery (felony or misdemeanor)	32.21	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Credit Card or Debit Card Abuse (felony)	32.31	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Fraudulent Use Or Possession Of Credit Card Or Debit Card Information (felony)	32.315	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
False Statement to Obtain Property or Credit or in the Provision of Certain Services (felony or misdemeanor)	32.32	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Hindering Secured Creditors (felony or misdemeanor)	32.33	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Misapplication of Fiduciary Property (felony or misdemeanor)	32.45	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Securing Execution of a Document by Deception (felony or misdemeanor)	32.46	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation	N/A	Risk Evaluation	N/A	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Breach of Computer Security (felony or misdemeanor)	33.02	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Online Solicitation of a Minor (felony)	33.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Electronic Data Tampering (felony or misdemeanor)	33.023	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes
Unlawful Decryption (felony or misdemeanor)	33.024	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes
Telecommunications Crimes (felony or misdemeanor)	33A	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Money Laundering (felony)	34.02	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Insurance Fraud (felony or misdemeanor)	35.02	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Health Care Fraud (felony or misdemeanor)	35A.02	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

**Texas Penal Code, Title 8, Offenses Against Administration**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Bribery (felony)	36.02	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Coercion of Public Servant or Voter (felony or misdemeanor)	36.03	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Improper Influence (misdemeanor)	36.04	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Tampering with Witness (felony)	36.05	Risk Evaluation	N/A	Risk Evaluation	N/A	Felony: No Misdemeanor: N/A
Obstruction or Retaliation (felony)	36.06	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Acceptance of Honorarium (misdemeanor)	36.07	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Gift to Public Servant by Person Subject to His Jurisdiction (misdemeanor)	36.08	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Offering Gift to Public Servant (misdemeanor)	36.09	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Perjury (misdemeanor)	37.02	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Aggravated Perjury (felony)	37.03	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Misrepresenting Child As Family Member At Port Of Entry (misdemeanor)	37.082	N/A	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	No
Tampering with or Fabricating Physical Evidence (felony or misdemeanor)	37.09	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Tampering with Governmental Record (felony or misdemeanor)	37.10	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Yes^^
Fraudulent Filing of Financing Statement (felony or misdemeanor)	37.101	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Impersonating a Public Servant (felony)	37.11	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Record of a Fraudulent Court (felony or misdemeanor)	37.13	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
False Statement Regarding Child Custody Determination Made in Foreign Country (felony)	37.14	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Identify (misdemeanor)	38.02	N/A	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 5 years</li> <li>For Class B or C: No Action Required</li> </ul>	N/A	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 5 years</li> <li>For Class B or C: No Action Required</li> </ul>	Yes^^
Resisting Arrest, Search, or Transportation (felony or misdemeanor)	38.03	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Evading Arrest or Detention (felony or misdemeanor)	38.04	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Hindering Apprehension or Prosecution (felony or misdemeanor)	38.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Escape (felony or misdemeanor)	38.06	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Permitting or Facilitating Escape (felony or misdemeanor)	38.07	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Implements for Escape (felony)	38.09	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Bail Jumping and Failure to Appear (felony and misdemeanor)	38.10	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^



Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Improper Contact with Victim (felony and misdemeanor)	38.111	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Violation of Protective Order Issued on Basis of Sexual Assault or Abuse, Stalking, or Trafficking (misdemeanor)	38.112	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Unauthorized Absence from Community Corrections Facility, County Correctional Center, or Assignment Site (felony)	38.113	Risk Evaluation if conviction was in the last 10 years	No Action Required^	Risk Evaluation if conviction was in the last 10 years	No Action Required^	Yes^^
Falsely Holding Oneself Out as a Lawyer (felony)	38.122	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Unauthorized Practice of Law (felony or misdemeanor)	38.123	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Taking or Attempting to Take Weapon from Peace Officer, Federal Special Investigator, Employee or Official of Correctional Facility, Parole Officer, Community Supervision and Corrections Department Officer, or Commissioned Security Officer (felony)	38.14	Risk Evaluation	Risk Evaluation^	Risk Evaluation	Risk Evaluation^	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Felony: No Misdemeanor: Yes^^
Interference with Radio Frequency Licensed to Government Entity (felony or misdemeanor)	38.152	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Failure to Stop or Report Aggravated Sexual Assault of Child (misdemeanor)	38.17	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Failure to Report Felony (misdemeanor)	38.171	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Abuse of Official Capacity (felony or misdemeanor)	39.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Official Oppression (felony or misdemeanor)	39.03	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report Death of Prisoner (misdemeanor)	39.05	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Misuse of Official Information (felony or misdemeanor)	39.06	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

**Texas Penal Code, Title 9, Offenses Against Public Order and Decency**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Interference with Emergency Request for Assistance (felony or misdemeanor)	42.062	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Stalking (felony)	42.072	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Abuse of Corpse (felony or misdemeanor)	42.08	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Cruelty to Livestock Animals (felony or misdemeanor)	42.09	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Attack on Assistance Animal (felony or misdemeanor)	42.091	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Cruelty to Nonlivestock Animals (felony or misdemeanor)	42.092	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Dog Fighting (felony or misdemeanor)	42.10	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Cock fighting (felony or misdemeanor)	42.105	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Prostitution (felony or misdemeanor)	43.02	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	5-Year Bar†, Risk Evaluation Thereafter	Risk Evaluation	No
Solicitation of Prostitution (felony)	43.021	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†, Risk Evaluation Thereafter	N/A	No
Promotion of Prostitution (felony or misdemeanor)	43.03	<ul style="list-style-type: none"> <li>1st or 2nd Degree: Absolute Bar</li> <li>State Jail Felony or 3rd Degree: 20-Year Bar†; Risk Evaluation Thereafter*</li> </ul>	Risk Evaluation^*	<ul style="list-style-type: none"> <li>1st or 2nd Degree: Absolute Bar</li> <li>State Jail Felony or 3rd Degree: 5-Year Bar†, Risk Evaluation Thereafter*</li> </ul>	Risk Evaluation^*	No
Online Promotion Of Prostitution (felony)	43.031	<ul style="list-style-type: none"> <li>1st or 2nd Degree: Absolute Bar</li> <li>State Jail Felony, or 3rd Degree Felony: 20-Year Bar; Risk Evaluation Thereafter*</li> </ul>	N/A	<ul style="list-style-type: none"> <li>1st or 2nd Degree: Absolute Bar</li> <li>State Jail Felony or 3rd Degree Felony: 5-Year Bar†, Risk Evaluation Thereafter*</li> </ul>	N/A	No
Aggravated Promotion of Prostitution (felony)	43.04	20-Year Bar; Risk Evaluation Thereafter*	N/A	5-Year Bar†, Risk Evaluation Thereafter*	N/A	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Aggravated Online Promotion Of Prostitution (felony)	43.041	20-Year Bar; Risk Evaluation Thereafter*	N/A	5-Year Bar†, Risk Evaluation Thereafter*	N/A	N/A
Compelling Prostitution (felony)	43.05	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Obscene Display or Distribution (misdemeanor)	43.22	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Obscenity (felony or misdemeanor)	43.23	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Sale, Distribution, or Display of Harmful Material to a Minor (felony or misdemeanor)	43.24	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Sexual Performance by a Child (felony)	43.25	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Employment Harmful to Children (felony)	43.251	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Possession or Promotion of Child Pornography (felony)	43.26	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Electronic Transmission of Certain Visual Material Depicting Minor (misdemeanor)	43.261	N/A	Risk Evaluation	N/A	Risk Evaluation	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Possession or Promotion of Lewd Visual Material Depicting Child (felony)	43.262	Absolute Bar	N/A	Absolute Bar	N/A	N/A

**Texas Penal Code, Title 10, Offenses Against Public Health, Safety, and Morals**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Unlawful Possession of Firearm (felony or misdemeanor)	46.04	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	No
Prohibited Weapons (felony or misdemeanor)	46.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	No

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Hoax Bombs (misdemeanor)	46.08	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Making a Firearm Accessible to a Child (misdemeanor)	46.13	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Firearm Smuggling (felony)	46.14	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Prohibition of the Purchase and Sale of Human Organs (misdemeanor)	48.02	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Prohibition on Purchase or Sale of Human Fetal Tissue (felony)	48.03	Risk Evaluation	Risk Evaluation^	Risk Evaluation	Risk Evaluation^	No
Public Intoxication (misdemeanor)	49.02	N/A	Risk Evaluation if conviction was in the last 5 years	N/A	Risk Evaluation if conviction was in the last 5 years	Yes^^
Possession of Alcoholic Beverage in Motor Vehicle (misdemeanor)	49.031	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Driving While Intoxicated (felony or misdemeanor)	49.04	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^



Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Driving While Intoxicated with Child Passenger (felony)	49.045	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	No
Flying While Intoxicated (felony or misdemeanor)	49.05	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Boating While Intoxicated (felony or misdemeanor)	49.06	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Assembling or Operating an Amusement Ride While Intoxicated (felony or misdemeanor)	49.065	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Intoxication Assault (felony)	49.07	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†; Risk Evaluation Thereafter	N/A	No
Intoxication Manslaughter (felony)	49.08	Absolute Bar†	N/A	Absolute Bar†	N/A	No

**Texas Penal Code, Title 11, Organized Crime**

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Engaging in Organized Criminal Activity (felony or misdemeanor)	71.02	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Violation of Court Order Enjoining Organized Criminal Activity (misdemeanor)	71.021	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang (felony)	71.022	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Directing Activities of Certain Criminal Street Gangs (felony)	71.023	Risk Evaluation	N/A	Risk Evaluation	N/A	No

**Texas Education Code**

Offense	Texas Education Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Personal Hazing Offense (felony or misdemeanor) or Hazing (felony or misdemeanor)	37.152	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Failure To Report Or False Report; Offenses	51.255	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

**Texas Family Code**

Offense	Texas Family Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Disclosing Confidential Information Obtained from DFPSSocial Study (misdemeanor)	107.05145	N/A	Risk Evaluation	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Texas Family Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Child Custody Evaluator Access to Investigative Records of Department (misdemeanor)	107.111	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Modification of Order on Conviction for Child Abuse (misdemeanor)	156.104	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Modification of Order on Conviction for Family Violence (misdemeanor)	156.1045	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Placement by Unauthorized Person (misdemeanor)	162.025	N/A	Risk Evaluation	N/A	Risk Evaluation	No
General Penalty: Violating the Interstate Compact on the Placement of children (misdemeanor)	162.107	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Making a False Report of Abuse or Neglect (felony)	261.107	Risk Evaluation	Risk Evaluation <sup>^</sup>	Risk Evaluation	Risk Evaluation <sup>^</sup>	No
Failure to Report; Penalty (felony or misdemeanor)	261.109	Absolute Bar <sup>†</sup>	Risk Evaluation	Absolute Bar <sup>†</sup>	Risk Evaluation	No
Conduct of Investigation (misdemeanor)	261.302	N/A	Risk Evaluation	N/A	Risk Evaluation	No

Offense	Texas Family Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Interference with Investigation; Criminal Penalty (misdemeanor)	261.3032	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Removal of Alleged Perpetrator; Offense (felony or misdemeanor)	262.1015	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No

### Texas Health and Safety Code

Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Evading or Resisting Apprehension or Transport by Person Subject to Custody or Temporary Detention (misdemeanor)	81.212	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Reports of Abuse and Neglect or of Illegal, Unprofessional or Unethical Conduct (misdemeanor)	161.132	N/A	Risk Evaluation	N/A	Risk Evaluation	No

Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report: Criminal Penalty (misdemeanor)	260A.012	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Bad Faith, Malicious or Reckless Reporting: Criminal Penalty (misdemeanor)	260A.013	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalty (misdemeanor)	464.016	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Manufacture or Delivery of Substance in Penalty Group 1 (felony)	481.112	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 1-A (felony)	481.1121	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 2 or 2-A (felony)	481.113	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony)	481.114	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 1 (felony)	481.115	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^

Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Possession of Substance in Penalty Group 1-A (felony)	481.1151	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 2 (felony)	481.116	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 2-A (felony or misdemeanor)	481.1161	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 3 (felony or misdemeanor)	481.117	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 4 (felony or misdemeanor)	481.118	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Manufacture, Delivery, or Possession of Miscellaneous Substances (felony or misdemeanor)	481.119	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Delivery of Marijuana (felony or misdemeanor)	481.120	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Possession of Marijuana (felony or misdemeanor)	481.121	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Delivery of Controlled Substance or Marijuana to Child (felony)	481.122	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (felony or misdemeanor)	481.124	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment (felony)	481.1245	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Delivery of Drug Paraphernalia (felony or misdemeanor)	481.125	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Illegal Barter, Expenditure, or Investment (felony)	481.126	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unauthorized Disclosure of Information (felony)	481.127	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^



Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Commercial Matters (felony)	481.128	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony)	481.1285	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Fraud (felony or misdemeanor)	481.129	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Diversion of Controlled Substance Property or Plant (felony)	481.131	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Falsification of Drug Test Results (misdemeanor)	481.133	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Unlawful Transfer or Receipt of Chemical Precursor (felony)	481.136	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Transfer of Precursor Substance for Unlawful Manufacture (felony)	481.137	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No

<b>Offense</b>	<b>Texas Health and Safety Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (felony)	481.138	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture (felony)	481.139	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty (felony)	482.002	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Dangerous Drug (misdemeanor)	483.041	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Delivery or Offer of Delivery of Dangerous Drug (felony)	483.042	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture of Dangerous Drug (felony)	483.043	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Forging or Altering Prescription (misdemeanor)	483.045	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Possession and Use (misdemeanor)	485.031	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No

Offense	Texas Health and Safety Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Delivery to a Minor (felony or misdemeanor)	485.032	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	No
Inhalant Paraphernalia (misdemeanor)	485.033	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Hampering, Obstructing, Tampering with or Destroying Electronic Monitoring Device, Tape or Recording from Resident's Room at State Supported Living Center (misdemeanor)	555.162	N/A	Risk Evaluation	N/A	Risk Evaluation	No

**Texas Human Resources Code**

Offense	Texas Human Resources Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Confidentiality of Information (misdemeanor)	40.005	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
False Report: Criminal Penalty (felony or misdemeanor)	42.0447	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	Yes^^
Required Background and Criminal History Checks: Criminal Penalties (misdemeanor)	42.056	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Administering Medication (misdemeanor)	42.065	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalties (misdemeanor)	42.076	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalty for Operating Daycare Center without Qualified Director (misdemeanor)	42.0761	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Penalty (misdemeanor)	43.012	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	48.052	Absolute Bar†	Risk Evaluation	Absolute Bar	Risk Evaluation	No

Offense	Texas Human Resources Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
False Report; Penalty (misdemeanor)	48.053	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

### Texas Alcoholic Beverage Code

Offense	Texas Alcoholic Beverage Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor (misdemeanor)	106.06	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Prohibited Activities by Persons Younger than 18 (misdemeanor) or Inducing a Minor to Dance with Another in Exchange for a Benefit by Alcoholic Beverage Permittee (misdemeanor)	106.15	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

**Texas Business and Commerce Code**

<b>Offense</b>	<b>Texas Business and Commerce Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Risk Evaluation	N/A	Risk Evaluation	No

**Texas Code of Criminal Procedure**

<b>Offense</b>	<b>Texas Code of Criminal Procedure</b>	<b>Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)</b>	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)</b>	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Failure to Comply with Registration Requirements (felony)	62.102	Absolute Bar	N/A	Absolute Bar	N/A	N/A

**Texas Civil Practice and Remedies Code**

Offense	Texas Civil Practice and Remedies Code	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report Possible Sexual Exploitation of Mental Health Patient (misdemeanor)	81.006	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

**Any other Title under the Texas Penal Code or any other Texas Code not specifically mentioned above**

Offense	Texas Penal Code or Any Other Various Texas Codes	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies – Any offense not specifically listed that HHSC determines is a financial crime	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

Offense	Texas Penal Code or Any Other Various Texas Codes	Unrelated Foster or Adoptive Homes - FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	No

\* Indicates bar if it is determined a person under age 18 was involved.

† Indicates that the bar is based on federal requirements set forth in 42 USC §671(a)(20)(A).

^ While these offenses are not normally prosecuted as misdemeanors, if the charge is reduced to a misdemeanor per TPC 12.44(b), HHSC will take the action described in the "Misdemeanor (Includes All Levels Unless Otherwise Specified)" column.

^^ A foster or adoptive home cannot be verified or approved until all background checks on household members have been cleared, which includes the approval of any required risk evaluations. When this column says "yes" a person may be present at the foster or adoptive home while children are in care pending the outcome of the risk evaluation, it is only referring to already verified or approved foster or adoptive homes. In addition, even though persons may be present at a foster or adoptive home pending the outcome of the risk evaluation, HHSC may also place conditions or restrictions on a person in order for the person to be present at the foster or adoptive home. For example, an adult relative that is convicted of Driving While Intoxicated and living at a foster home may be permitted to continue to live at the foster home but will not be permitted to transport foster children.