



## BACKGROUND CHECK STATEMENT

**Purpose:** This form is completed by persons who have applied to become approved or verified as foster or adoptive parents or may be present in a foster or adoptive home. Its purpose is to: (i) provide notification that DFPS will conduct a background check, including a criminal history record check, (ii) identify the criminal convictions that bar a home from being approved or verified and (iii) explain the evaluation process for crimes other than bars. The form also fulfills the requirements of Subchapter K, Chapter 264, Family Code ([§264.8521](#)).

**Directions:** Read all sections of this form. Complete the sections on pages three and four. Complete the Release of Information section on page four. Retain page five for your records. After completing this form, return it to a Foster or Adoption (FAD) worker or the unit that provided it to you. FAD staff will keep this form in the prospective foster or adoptive family's case record.

Under Texas law (Government Code [§559.002](#)), you have the right to know what information is collected about you by a state government agency. You can receive and review the information, and request that incorrect information about you be corrected, by contacting the FAD worker or unit to whom you submitted this form. For questions, contact the person who provided you this form.

### TYPES OF BACKGROUND CHECKS

DFPS must complete the types of background checks defined below on all persons who have applied to become approved or verified as foster or adoptive parents, as well as certain household members of foster and adoptive applicants and certain individuals who may be present in the foster or adoptive home. The types of checks that a person is required to undergo will depend on the person's role in the home. The types of checks that may be conducted are as follows:

- **DPS Criminal History Check** – A name-based check of records from the Texas Department of Public Safety (DPS).
- **FBI Fingerprint Check** – A fingerprint-based check of records from the FBI National Crime Database.
- **DFPS History Check** – A check of DFPS's database for abuse or neglect. The search identifies all CPS, APS, and Child Care Licensing cases that reference the subject of the background check as a principal or collateral source, regardless of the subject's role or relationship in the case.
- **Out of State Registry Check** – A check of child protective services records in other states where the applicant or any household member over age 18 has lived since becoming 18 years of age.
- **Local Law Enforcement Check** – A check to obtain additional information from local police or sheriff department.

See 40 Texas Administrative Code [§745.611](#) (note: checks conducted by FAD may be more extensive than those minimally required by Child-Care Licensing)

### BACKGROUND CHECK RULES

#### State Abuse and Neglect Registries

An applicant is **barred** from verification as a foster parent or approval as an adoptive parent if the applicant or any other person who is 14 years old or older, is a household member, an employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship, and has been given a DFPS investigative finding of *Reason to Believe* for sexual abuse in Texas, *or any like finding under the law of another state*. Persons with a *Reason to Believe* finding for sexual abuse in Texas, *or any like finding under the law of another state*, are not eligible for risk evaluations and are permanently barred from being present in a verified or approved home.

An unrelated applicant is **barred** and a related applicant **may be denied** verification as a foster parent or approval as an adoptive parent, if the applicant or any other person who is 14 years old or older, is a household member, an

employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship had been given a DFPS investigative finding of *Reason to Believe* for **physical abuse** in Texas, *or any like findings under the laws of another state*. Persons with a *Reason to Believe* finding for physical abuse in Texas or another state *may* be eligible for a risk evaluation before a final decision is made of whether to verify or approve an applicant to foster or adopt. However, the person against whom the finding was issued may be temporarily barred from being present in a foster or adoptive home if Child Care Licensing determines that the person is an immediate threat or danger to the health or safety of children.

An applicant **may be denied** verification as a foster parent or approval as an adoptive parent, if the applicant or any other person who is 14 years old or older, is a household member, an employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship has been given a DFPS investigative finding of *Reason to Believe* for neglect (including for neglectful supervision or medical neglect), refusal of parental responsibility and emotional abuse *or any other like findings under the law of another state*. Persons with a *Reason to Believe* finding for neglect *may* be eligible for a risk evaluation before a final decision is made of whether to verify or approve an applicant to foster/adopt. However, the person against whom the finding was issued may be temporarily barred from being present in a foster or adoptive home if Child Care Licensing determines that the person is an immediate threat or danger to the health or safety of children.

An applicant **will not be approved** as a foster or adoptive parent, if the applicant or any other person who is 14 years old or older, is a household member, an employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship has an investigation for abuse or neglect *pending* in this or any other state.

### **Criminal History**

An applicant **will be permanently barred** from verification as a foster parent or approval as an adoptive parent, if the applicant or any other person who is 14 years old or older, is a household member, an employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship has been convicted of a **felony** offense in the Texas Penal Code that are listed as a permanent bar on the [criminal history assessment chart](#), or convicted of any other like offense under the law of another state or federal law.

Criminal history that is not listed on the chart as a permanent bar to becoming verified or approved may still impact an application or an applicant's eligibility to receive a risk evaluation.

An "*Attempt to Commit*" conviction will be treated as falling under the same section of the Texas Penal Code as the crime that was attempted.

Additionally, an applicant is barred from verification as a foster parent or approval as an adoptive parent, if the applicant or any other person who is 14 years old or older, is a household member, an employee of the applicant, or a frequent or regular visitor in the applicant's home, and is not under DFPS conservatorship, has been indicted for (**or** is the subject of a criminal complaint related to) any of the applicable felonies listed on the criminal history assessment chart and the indictment or complaint has been accepted by a district or county attorney. This bar on verification or approval remains until the criminal charges are dismissed or as long as the applicant or other person who is either under indictment or the subject of an accepted criminal complaint lives, remains employed, or continues to be a frequent or regular visitor to the home.

Upon request, DFPS provides applicants with a paper copy of the [criminal history assessment chart](#) used to determine what convictions are available for risk evaluations and what convictions are considered temporary or permanent bars to verification or approval. Please consult the chart to determine how a specific conviction, if any, may impact an application to verify or approve. If you have a criminal history that is not listed as a temporary or permanent bar to verification or approval, please consult with DFPS staff. If you need assistance understanding the chart, please contact DFPS staff for further guidance and explanation.

**INFORMATION**

Full Name		Prior Names (Maiden, Previous Married, or Alias)		Telephone Number	
Home Address:					
Street number	Street			Apt. No. (if applicable)	
City		County		State	Zip Code
Email Address:					
Best Method of Contact for FBI Background Check: <input type="checkbox"/> Email <input type="checkbox"/> Phone					
Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic		Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other:			
				<input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander	
Date of Birth	Social Security Number	Driver's License Number and State (if applicable)		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	

**PERSONAL ACKNOWLEDGEMENT**

<p>Have you ever been convicted of, or are you currently facing charges for, any misdemeanor or felony criminal offense in Texas or any other state? (Traffic offenses that are a Class C Misdemeanor do not have to be reported.)</p> <p>If yes, please explain below.</p>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Are you under indictment for or charged in an official criminal complaint that has been accepted by a district or county attorney in Texas or any other state?</p> <p>If yes, please explain below.</p>		<input type="checkbox"/> YES <input type="checkbox"/> NO

**ABUSE/NEGLECT HISTORY**

<p>Have you ever been investigated for abuse or neglect in Texas or any other state?</p> <p>If yes, please explain below.</p> <p>DFPS will check its own files and the files of other states, if applicable, to determine whether you have been reported as a perpetrator of abuse or neglect.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
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**RELEASE OF INFORMATION AND CERTIFICATION OF ACCURACY**

My signature on this form acknowledges my understanding that DFPS:

- will conduct criminal history checks;
- will conduct child abuse and neglect records checks
- may contact law enforcement agencies, other child welfare agencies, or both; and
- may acquire a certified copy of my driving record (if applicable).

My signature on this form also acknowledges this information may be released to entities or persons who are authorized and permitted by law to access this information, to the extent that it is necessary to complete the verification to foster or approval to adopt and placement process.

DFPS may release the results of a Criminal History Check and DFPS History Check to entities or persons authorized and permitted by law to access the information. This includes, but is not limited to, authorized DFPS employees, home screening contractors, attorneys or guardians ad litem, DFPS attorneys, court personnel, court appointed special advocates, and the staff of private Child-Placing agencies, to the extent that access is necessary to complete the verification to foster or approval to adopt process.

Release of this information by DFPS is restricted to persons or entities involved in verification, approval, or placement. DFPS will not release information to third parties who are not involved in this process.

My signature also acknowledges that I had information provided to me regarding background checks and have received a paper copy of the criminal history assessment chart. It further acknowledges that I have reviewed the list of criminal offenses that may impact verification or approval and was given an opportunity to ask questions.

I understand that I have the right to contest the information found in my criminal background checks. (See last page for directions) I understand that the information provided by me may be verified by DFPS. I further understand that the inclusion of any false information or the omission of any requested information is cause for denial of the applicant's foster or adoptive parent application or for subsequent closure of the applicant's foster home or pre-consummated adoptive home.

Lastly, my signature certifies that the information provided on this application is true and correct to the best of my knowledge. In order for DFPS to verify the information contained in my application, I grant DFPS permission to:

- check and request copies of criminal history and law enforcement records in Texas and other states; and
- check and request copies of abuse and neglect records in Texas and other states.

**SIGNATURES**

Signature (If the person is a minor, the child's parent or guardian must sign):

X

Date Signed:

Print Full Name

X

## **Retain this page for your records**

According to state and federal guidelines, DFPS is required to provide the subject of a background check with information on how to obtain a copy of or challenge the information found in his or her criminal history record. To obtain a copy of the results of your DPS Criminal History Check or FBI Fingerprint Check or FBI, please contact your foster-adoption (FAD) worker.

### **How to Contest the Results of a DPS or FBI Check**

#### **Department of Public Safety (DPS)**

To contest or update information in your DPS record, follow the steps in the [DPS Error Resolution Form](http://www.txdps.state.tx.us/administration/crime_records/pages/erForm.pdf) ([http://www.txdps.state.tx.us/administration/crime\\_records/pages/erForm.pdf](http://www.txdps.state.tx.us/administration/crime_records/pages/erForm.pdf)).

#### **Federal Bureau of Investigation (FBI)**

To challenge a criminal history summary in your FBI record, refer to the steps explained on the FBI's [Criminal History Summary Checks](http://www.fbi.gov/about-us/cjis/criminal-history-summary-checks/challenge-of-a-criminal-history-summary) page (<http://www.fbi.gov/about-us/cjis/criminal-history-summary-checks/challenge-of-a-criminal-history-summary>).