

New rules regarding background check requirements for child care operations.

Based on changes to Chapter 42 of the Texas Human Resources Code, Texas Department of Family and Protective Services (DFPS) published in the Texas Registry new rules regarding background check requirements for all child-care operations. The adopted rules became effective on **December 1, 2005**, which you should have received a copy in November. These rules changed several requirements that will affect the way in which both day care and residential operations request and receives background check results. The majority of the changes will primarily affect residential operations. Listed below is a summary of changes to background check requirements:

For All Residential Operations:

- Child-care operations must request a background check on all employees, including all employees intended to be hired, who will provide direct care or have direct access to a child in care.
- All **residential child-care operations must request background checks on-line** through the DFPS website.
- All child-care operations *must include a person's driver's license number* or state-issued ID number with the required identifying information submitted to conduct a background check.
- Residential child-care operation **must submit a background check request on a person before he or she** provides direct care or has direct access to a child in the operation.
- If a residential operation **does not receive the results of a background check on a person** who provides direct care or has direct access to a child in care within two days, the operation may obtain its own criminal history check through the Department of Public Safety (DPS) and **if the DPS check verifies no criminal history**, the operation **may allow the person unsupervised client access** until it receives the results of the DFPS background check.
- DFPS will provide the operation requesting the background check with information in our records regarding the person's previous employment history in child-care.

For Child Day Care Operations:

- New §745.615 clarifies that a child-care operation must request a background check on all employees, including all employees intended to be hired, who will provide direct care or have direct access to a child in care.
- Child day care operations can request background checks on-line or by submitting a paper request.
- Amendment to §745.623 also adds a requirement that all child-care operations must include a person's driver's license number or state-issued ID number with the required identifying information submitted to conduct a background check.
- Amendment to §745.631 adds licensed child-care homes to the list of operations that cannot be issued a permit until DFPS receives the results of the applicant's background check.
- New §745.637 states that DFPS will provide the operation requesting the background check with information in our records regarding the person's previous employment history in child-care.

Beginning Tuesday January 17, 2006, DFPS began submitting background check batches to DPS nightly instead of weekly. All residential operations and any day care operation that choose to submit their request via the internet will receive an automatic email of all cleared background checks. If a DPS or a central registry check shows a match, the results of these checks will be sent out in a separate email or letter.

All child care operations are encouraged to use the on-line background check process. If you are currently submitting your requests on-line and are receiving email with the results of those checks you are set up correctly in the system and should not have any problems when batches are ran daily. If you are submitting requests on-line, but have **not** received any emails with the results, your computer, internet provider or email carrier may have Spyware software or spam filters installed which may be preventing you from receiving these email results. To allow the emails to be sent to your inbox you must add ***www.classproject.dfps.state.tx.us*** as an approved sender of emails to the email account listed in your "Personal Profile". This should be done in your email client, ISP or any SPAM filtering software you are utilizing. If you continue to have problems with receiving cleared emails, contact your licensing representative.

This article can found on the DFPS agency website at
http://www.dfps.state.tx.us/About/News/2006/2006-01-30_Backgroundcheck.asp