



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER
Carey D. Cockerell

TO: All Child Placing Agencies and Independent Foster and Foster Group Homes

FROM: Residential Child Care Licensing

DATE: September 29, 2006

SUBJECT: New Federal Requirements Regarding:

- Fingerprint Checks of the National Crime Information Center (NCIC) for All Foster and Adoptive Applicants and
- Central Registry Checks in other states for certain Foster and Adoptive Applicants

On July 27, 2006 the President of the United States signed into law the Adam Walsh Child Protection and Safety Act of 2006, which was passed by the U.S. Congress as HR 4472. This new law becomes effective **October 1, 2006**. As of that date, you can not verify or approve any foster home or adoptive home for placement of a child in the conservatorship of the Department of Family and Protective Services (DFPS) until the foster and/or adoptive parents and all adult (18 years old and older) residents of their home have completed a:

- Fingerprint-based criminal history check of the National Crime Information Center (NCIC) (otherwise known as a Federal Bureau of Investigation (FBI) check); and
- if an applicant/adult in the home has lived outside of Texas in the previous five years, a check of the other state's central registry for child abuse and neglect.

These checks are NOT required of your existing foster or adoptive homes at this time. They are required of foster homes that are new to your agency. Independent Foster Homes must conduct these checks for any new staff or adult residents of an Independent Foster Home.

Instructions on how to obtain a NCIC fingerprint check:

Beginning October 1, all child placing agencies and independent foster homes must continue to go to the DFPS website to request an on-line background check.

1. After requesting the DFPS on-line background check you must provide each individual needing a check with a copy of the attached Fingerprint Application Services of Texas (FAST) Fingerprint Pass and instruct the individual requiring the check to schedule an appointment to obtain an electronic NCIC fingerprint check.

2. The individual schedules an appointment to submit electronic fingerprints via the web: <http://www.identix.com/pages/189-texas> or by calling Identix¹ toll-free at 1-888-467-2080 (8am-5pm CST) to schedule an appointment. (*Attached are instructions for the individual on scheduling an appointment. You may photocopy the FAST Fingerprint Pass. Identix has locations all over the state of Texas and is willing to schedule mobile sites in locations for groups of 30 or more applicants.*)
3. At the appointment to submit fingerprints, individuals must bring a completed FAST Fingerprint Pass, their driver's license or other valid form of identification and \$48.95 (\$39.00 for the DPS/NCIC fingerprints and the \$9.95 for the processing fee).
4. The fingerprints will be sent electronically to DPS who then sends them to the FBI.
5. You will still receive the results of the DPS name check (if cleared) within 24 to 48 hours.
6. DPS returns both the DPS and NCIC check results to DFPS.
7. DFPS will notify you of the fingerprint check results.
8. After October 15, 2006 the department will no longer accept paper NCIC fingerprint cards. For individuals who reside outside of Texas, Licensing will mail you a fingerprint card and instructions for submitting the fingerprint card to Identix after you submit the on-line check. (If you have old fingerprint cards, you must wait to receive new fingerprint cards.) After the individual fills out the fingerprint card and obtains prints, the card must be mailed to Identix with a \$48.95 check or money order.

Important note: If you do not initiate the fingerprint NCIC check by submitting a background check request on the DFPS website, the results will not be returned to DFPS and you will have to conduct another check and pay an additional \$48.95 fee.

Instructions on how to obtain an out-of-state central registry check:

- DFPS is still researching with other states to determine the most effective way to conduct inter-state central registry checks systematically. In the meantime, you must require the foster or adoptive applicant to request a central registry check for themselves through the state or states in which they resided in the previous five years and share the results with you. If they can provide a written clearance from that state or states that they and any adult residents of their home do not have a history of child abuse or neglect (or documentation that the state does not provide such information) and they have cleared their criminal history check and their DFPS background check, you may verify or approve the home. You must place a copy of the documentation from the other state or states in their file. Beginning October 15, when you submit an on-line background check, you will be prompted to indicate if the person lived outside the state in the last five years so DFPS can monitor for compliance with this requirement.

¹ Identix is the company that the Texas Department of Public Safety is using to obtain faster and more reliable fingerprint checks.