**Foster or Adoptive Homes: Criminal History Requirements**

In accordance with §745.651 (What types of criminal convictions may affect a person’s ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in 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.

## In this chart the words below have the following meaning:

"Absolute Bar" means a person convicted of a particular 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" has two meanings in this chart. "N/A" under the "FELONY" or "MISDEMEANOR" column means there is no such relevant felony or misdemeanor crime. "N/A" under the "If this person is eligible for a risk evaluation . . .” question column means the question is not applicable, because a person with this conviction is not eligible for a risk evaluation.

"No Action Required" means there is such a crime, but no action is required.

"Risk Evaluation" means a person convicted of a particular crime is eligible for a risk evaluation based solely on that particular conviction. However, a person's overall eligibility for a risk evaluation is based on the entirety of the person's criminal and DFPS Central Registry history.

“Risk Evaluation if conviction was in the last 10 years” means a risk evaluation is only needed for 10 years from the date of the conviction. After the 10 years have passed, the particular crime no longer requires an action by DFPS, unless the person is on parole for a felony offense.

“5- (or 20-) Year Bar; Risk Evaluation Thereafter” means a person convicted of a particular crime is prohibited for 5 (or 20) years from being present at the operation while children are in care. After the years have passed, then the person is forever subject to a risk evaluation.

“5-Year Bar; Risk Evaluation b/w 5 & 10 Years” means a person convicted of a particular crime is prohibited for 5 years from being present at the operation while children are in care. After the 5 years have passed, then the person is subject to a risk evaluation for an additional 5 years. After the total 10 years have passed, the particular crime no longer requires an action by DFPS, unless the person is on parole for a felony offense.

## In reviewing this chart, you must understand the following:

This chart applies to all criminal history checks conducted under Title 40 Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.

Time limits are based on the date of conviction.

Although the crimes listed in this chart reflect only offenses in Texas statutes, the same criminal history requirements apply to similar criminal offenses under the laws of another state or federal law.

For purposes of this chart and 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. For example, a conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar. Likewise, 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 §745.651(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.

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# Texas Penal Code, Title 4, Inchoate Offenses

| **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?** |
| --- | --- | --- | --- | --- | --- | --- |
| 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† | N/A | Absolute Bar† | N/A | 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 | * 1st Degree: Absolute Bar† * 2nd or 3rd Degree: 20-Year Bar;   Risk Evaluation Thereafter | N/A | * 1st Degree: Absolute Bar† * 2nd or 3rd Degree: Risk Evaluation | N/A | No |
| Continuous Smuggling of Persons (felony) | 20.06 | * 1st Degree: Absolute Bar† * 2nd Degree:   20-Year Bar; Risk Evaluation Thereafter | N/A | * 1st Degree: Absolute Bar† * 2nd Degree:   Risk Evaluation | N/A | 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 |
| Indecency with a Child (felony) | 21.11 | Absolute Bar† | N/A | Absolute Bar† | N/A | N/A |
| Improper Relationship Between Educator & Student (felony) | 21.12 | Absolute Bar† | N/A | Absolute Bar† | N/A | N/A |
| Improper Photography or Visual Recording (felony) or Invasive Visual Recording (felony)\* | 21.15 | 20-Year Bar;  Risk Evaluation Thereafter | N/A | Risk Evaluation | N/A | No |
| Unlawful Disclosure or Promotion of Intimate Visual Material (misdemeanor) | 21.16\*\* | N/A | Risk Evaluation | N/A | Risk Evaluation | No |
| Voyeurism (felony or misdemeanor) | 21.16\*\* | Absolute Bar† | Risk Evaluation | Absolute Bar† | Risk Evaluation | Felony: N/A  Misdemeanor: 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† | N/A | Absolute Bar† | N/A | N/A |
| 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† | N/A | Absolute Bar† | N/A | N/A |
| Abandoning or Endangering Child (felony) | 22.041 | Absolute Bar† | N/A | Absolute Bar† | N/A | 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 |
| 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 | N/A | Risk Evaluation | N/A | No |
| Agreement to Abduct from Custody (felony) | 25.031 | 20-Year Bar;  Risk Evaluation Thereafter | N/A | Risk Evaluation | N/A | 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 | N/A | Risk Evaluation | N/A | Yes^^ |
| Harboring Runaway Child (misdemeanor) | 25.06 | N/A | Risk Evaluation | N/A | Risk Evaluation | No |
| Violations of Certain Court Orders or Conditions of Bond in a Family Violence Case (felony or misdemeanor) or Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, 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 |
| Repeated Violation of Court Order or Condition of Bond in Family Violence 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 |
| 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 | N/A | Risk Evaluation | N/A | 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† | N/A | Absolute Bar† | N/A | 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 conviction was in the last 10 years | N/A | Risk Evaluation if conviction was in the last 10 years | N/A | 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^^ |
| 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^^ |
| 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 |
| 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 |
| 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^^ |
| Medicaid 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^^ |
| 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^^ |
| 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 | * For Class A: Risk Evaluation if conviction was in the last 10 years * For Class B or C: No Action Required | Risk Evaluation | * For Class A:   Risk Evaluation if conviction was in the last 10 years   * For Class B or C: No Action Required | 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^^ |
| Failure to Identify (misdemeanor) | 38.02 | N/A | * For Class A: Risk Evaluation if conviction was in the last 10 years * For Class B or C: No Action Required | N/A | * For Class A: Risk Evaluation if conviction was in the last 10 years * For Class B or C: No Action Required | 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^^ |
| 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 | N/A | Risk Evaluation if conviction was in the last 10 years | N/A | 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 | N/A | Risk Evaluation | N/A | No |
| Interference with Police Service Animals (felony or misdemeanor) | 38.151 | Risk Evaluation | * For Class A: Risk Evaluation if conviction was in the last 10 years * For Class B or C: No Action Required | Risk Evaluation | * For Class A:   Risk Evaluation if conviction was in the last 10 years   * For Class B or C: No Action Required | 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 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 |
| Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor) | 39.04 | 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 |
| 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 Disorder 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?** |
| --- | --- | --- | --- | --- | --- | --- |
| 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 |
| Abuse of Corpse (misdemeanor) | 42.08 | N/A | Risk Evaluation if conviction was in the last 10 years | N/A | Risk Evaluation if conviction was in the last 10 years | 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 |
| Cockfighting (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 |

# 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?** |
| --- | --- | --- | --- | --- | --- | --- |
| Prostitution (felony or misdemeanor) | 43.02 | 20-Year Bar;  Risk Evaluation Thereafter | Risk Evaluation | 5-Year Bar†,  Risk Evaluation Thereafter | Risk Evaluation | No |
| Promotion of Prostitution (felony or misdemeanor) | 43.03 | * 2nd Degree: Absolute Bar * State Jail Felony: 20-Year Bar;   Risk Evaluation Thereafter | Risk Evaluation | * 2nd Degree: Absolute Bar * State Jail Felony: 5-Year Bar†, Risk Evaluation Thereafter | Risk Evaluation | No |
| Aggravated Promotion of Prostitution (felony) | 43.04 | * 1st Degree: Absolute Bar * 3rd Degree:   20-Year Bar;  Risk Evaluation Thereafter | N/A | * 1st Degree: Absolute Bar * 3rd Degree:   5-Year Bar†,  Risk Evaluation Thereafter | N/A | No |
| 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 |

# 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?** |
| --- | --- | --- | --- | --- | --- | --- |
| 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 |
| 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^^ |
| Driving While Intoxicated with Child Passenger (felony) | 49.045 | 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 |
| 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

## Chapter 37 Discipline; Law and Order

| **Offense** | **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 |

# Texas Family Code

## Chapter 107 Special Appointments and Social Studies

## Chapter 156 Modification

## Chapter 162 Adoption

## Chapter 261 Investigation of Report of Child Abuse or Neglect

## Chapter 262 Procedures in Suit by Governmental Entity to Protect Health and Safety of Child

| **Offense** | **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 DFPS social study (misdemeanor) | 107.05145 | 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 | N/A | Risk Evaluation | N/A | No |
| Failure to Report; Penalty (felony or misdemeanor) | 261.109 | Absolute Bar† | Risk Evaluation | Absolute Bar† | Risk Evaluation | No |
| Conduct of Investigation (misdemeanor) | 261.302 | N/A | Risk Evaluation | N/A | Risk Evaluation | No |
| 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

## Chapter 81 Communicable Diseases

## Chapter 161 Public Health Provisions

## Chapter 260 Boarding Home Facilities

## Chapter 464 Facilities Treating Alcoholics or Drug-Dependent Persons

## Chapter 481, Texas Controlled Substances Act

## Chapter 482 Simulated Controlled Substances

## Chapter 483 Dangerous Drugs

## Chapter 485 Abusable Volatile Chemicals

## Chapter 555 State Supported Living Centers

| **Offense** | **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 |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| Manufacture or Delivery of Substance in Penalty Group 1-A (felony) | 481.1121 | 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 |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony) | 481.114 | 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 of Substance in Penalty Group 1 (felony) | 481.115 | 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 of Substance in Penalty Group 1-A (felony) | 481.1151 | 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 of Substance in Penalty Group 2 (felony) | 481.116 | 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 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 (misdemeanor) | 481.119 | 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^^ |
| 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^^ |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| Commercial Matters (felony) | 481.128 | 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 |
| Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony) | 481.1285 | 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 |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| 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 |
| Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (felony) | 481.138 | 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 |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| 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 | N/A | 5-Year Bar†;  Risk Evaluation b/w 5 & 10 Years | N/A | No |
| Manufacture of Dangerous Drug (felony) | 483.043 | 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 |
| 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 |
| 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

## Chapter 40 Department of Family and Protective Services

## Chapter 42 Regulation of Certain Facilities, Homes, and Agencies that Provide Childcare Services

## Chapter 43 Regulation of Childcare and Child Placing Agency Administrators

## Chapter 48 Investigations and Protective Services for Elderly and Disabled Persons

| **Offense** | **Human Resource 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 |
| False Report; Penalty (misdemeanor) | 48.053 | N/A | Risk Evaluation | N/A | Risk Evaluation | Yes^^ |

# Texas Alcoholic Beverage Code

**Chapter 106 Provisions Related to Age**

| **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

**Chapter 110 Computer Technicians Required to Report Child Pornography**

| **Offense** | **Texas Business and Commerce 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 Child Pornography by Computer Technician (misdemeanor) | 110.003 | N/A | Risk Evaluation | N/A | Risk Evaluation | No |

# Texas Code of Criminal Procedure

**Chapter 62 Sex Offender Registration Program**

| **Offense** | **Texas Code of Criminal Procedure** | **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 Comply with Sex Offender Registration Requirements (felony) | 62.102 | Risk Evaluation | N/A | Risk Evaluation | N/A | No |

# Texas Civil Practice and Remedies Code

**Chapter 81 Sexual Exploitation by Mental Health Services Provider**

| **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 DFPS 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^^ |
| 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 an offense that has been renamed with the Regular Session of the 84th Legislature (2015). Both current and previous offense names have been provided on the chart.

\*\* Two separate offenses were given the section number 21.16 as a result of the Regular Session of the 84th Legislature (2015).

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

^^ 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, DFPS 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.