

Memorandum of Understanding

Between the Texas Juvenile Justice Department and the Department of Family and Protective Services

- (a) **Parties.** The Texas Juvenile Justice Department (TJJD) and the Department of Family and Protective Services (DFPS) (the entities) agree to this Memorandum of Understanding.
- (b) **Purpose.** To create a uniform process by which to conduct central registry checks for abuse or neglect on external applicants being seriously considered for hire and at the direction of the human resources director or designee for internal applicants being seriously considered for another position and checks for individuals under the Prison Rape Elimination Act (PREA).
- (c) **Authority.** Texas Family Code, §261.002 requires the Department of Family and Protective Services to establish and maintain a registry of child abuse or neglect cases (Central Registry).

TJJD's hiring and employment policy PRS 2.07(f)(1) and (f)(5) provides for abuse and neglect Central Registry checks to be completed on external applicants being seriously considered for hire and at the direction of the human resources director or designee for internal applicants being seriously considered for another position. TJJD policy PRS 2.07(a)(3) and (b)(2) provides for checks for individuals under the Prison Rape Elimination Act (PREA), including contractors or subcontractors who may have access to youth in TJJD-operated or TJJD-contracted facilities, as well as current TJJD employees or applicants for employment with TJJD.

- (i) This agreement shall be effective for five years from the date of execution unless otherwise terminated.
- (ii) Either party may terminate this agreement, without cause, thirty (30) days after written notice of termination is provided to the other party.
- (iii) Amendments to this agreement must be in writing and signed by the appropriate signature authority of each agency or their designee.
- (e) **Responsibilities of Requesting Party.**
- (i) The requesting party shall be either TJJD or a local Juvenile Board. Each entity shall designate a liaison to work with DFPS regarding registry checks, DFPS' process requirements, and any other issues of mutual concern. Each liaison must initially 1) send an email request to DFPS to be established on DFPS' automated system for background checks and 2) submit to a background check conducted by DFPS.
- (ii) Provide DFPS with information necessary to conduct a Central Registry check on the

individual.

- (iii) Verify the identity of each individual on whom a Central Registry check is requested and submit in conjunction with each name a complete and accurate DFPS-approved Central Registry check request form or DFPS-required information.
- (iv) Obtain written consent of each individual before submission of the person's name to DFPS.
- (v) Provide the name and mailing address of the entity submitting the request.
- (vi) Maintain the confidentiality of shared agency data, records, and information. Use any information provided for internal use only.
- (vii) Comply with state and federal laws regarding the confidentiality of juvenile, employment, and child abuse registry records.
- (viii) Inform the subject of the Central Registry check that if they have concerns about the result, they should contact DFPS regarding the concerns.
- (xi) Submit checks only on those individuals who fall within the scope of this MOU.

(f) Responsibilities of DFPS:

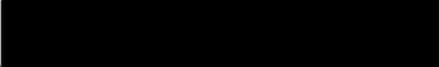
- (i) Provide the requesting entity with confirmation of a negative finding for any individuals with no match in the registry. Such confirmation shall be provided as soon as practicable, within a time period typically not to exceed 15 days but could take up to 21 days. DFPS will notify TJJD if it anticipates or encounters significant impact with meeting these time frames. DFPS' obligation for matching records is limited to those requests that are complete and contain all of the information required by DFPS to process Central Registry checks.
- (ii) Maintain the confidentiality of shared agency data, records, and information. Use any information provided for internal use only.
- (iii) Comply with state and federal laws regarding the confidentiality of juvenile, employment, and child abuse registry records.

By signing below, you certify that you have been authorized by the governing body of your agency to execute this Memorandum of Understanding.



Texas Juvenile Justice Department
Camille Cain
Executive Director

8/19/21
Date



Department of Family and Protective Services
Lisa Kanne
Chief Operating Officer

7/13/21
Date