

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 appropriate background checks on certain individuals, specified under subsection (e)(ii) below, who may be in direct contact with youth at Texas Juvenile Justice Department facilities or at county-operated secure youth detention facilities.

(c) **Authority.** Texas Family Code, §261.002 requires the Department of Family and Protective Services to establish and maintain a registry of reported cases of child abuse or neglect (child abuse registry).

Prison Rape Elimination Act Juvenile Standards, 29 C.F.R. §115.317 requires any detention or correctional agency to consult state maintained child abuse registries for certain individuals, specified under subsection (e)(ii) below who may have contact with residents.

(d) Term and Application.

- (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 concerning individuals who are subject to the requirement of a background check pursuant to the Prison Rape Elimination Act and who are:
 - a. applicants the requesting party intends to hire or who have been identified as a finalist for a position;
 - b. current employees who have been identified for promotion; and
 - c. contractors whose job responsibilities may place them in contact with correctional facility residents.
- (iii) Verify the identity of each individual on whom a background check is requested and submit in conjunction with each name a complete and accurate DFPS-approved background check request form or DFPS-required information.
- (iv) Obtain written consent of each individual before submission of name.
- (v) Provide the name and mailing address of the entity submitting the request.
- (vi) Submit only names under serious consideration for hire or promotion.
- (vii) Submit only names of contractors whose job responsibilities may place them in contact with correction facility residents.
- (viii) Maintain the confidentiality of shared agency data, records, and information. Use any information provided for internal use only.
- (ix) Comply with state and federal laws regarding the confidentiality of juvenile, employment, and child abuse registry records.
- (x) Inform the subject of the 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 as described in subsection (e)(ii) above.


(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 background 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.



Camille Cain
Executive Director
Texas Juvenile Justice Department



Date



Lynn Blackmore
Chief Operating Officer
Texas Department of Family and Protective Services



Date