



NOTICE TO APPLICANT/VOLUNTEERS REGARDING CRIMINAL HISTORY AND REGISTRY CHECKS

The Texas Department of Aging & Disability Services has in place rules governing Criminal History checks and Employee Misconduct Registry and Nurses Aide Registry checks for all potential employees, volunteers, interns, and contract providers for residential services in community centers, state schools, state hospitals and state centers. Statute reference Texas Health and Safety Code, Chapter 250, Section 250.006, Texas Administrative Code, Title 40, Part I, Chapter 3, Subchapter B, Rule 3.201, and Texas Administrative Code, Title 25, Part 1, Chapter 414, Subchapter L,

The following criminal convictions constitute an **absolute bar** to employment with the Agency:

- Criminal Attempt of any offenses listed as a Bar to Employment (Penal Code 15.01)
- Criminal homicide (Penal Code, Chapter 19);
- Kidnapping and unlawful restraint (Penal Code, Chapter 20);
- Continuous sexual abuse of a young child or children (Penal Code 21.02)
- Indecent exposure (Penal code 21.08)
- Indecency with a Child (Penal Code 21.11);
- Improper relationship between educator and student (Penal Code 21.12)
- Improper photography or visual recording (Penal Code 21.15)
- Sexual assault (Penal Code, 22.001);
- Aggravated assault and aggravated sexual assault (Penal Code 22.02 and 22.021);
- Injury to a child, elderly individual or disable individual (Penal Code, 22.04);
- Abandoning or endangering a child (Penal Code 22.041);
- Deadly conduct (Penal Code 22.05)
- Terroristic threat (Penal Code 22.07)
- Aiding suicide (Penal Code 22.08);
- Agreement to abduct from custody (Penal Code, 25.031)
- Sale or purchase of a child (Penal Code, 25.08);
- Arson (Penal code 28.02)
- Robbery and aggravated robbery (Penal Code 29.02 and 29.03);
- Exploitation of a child, elderly individual or disable individual (Penal Code 32.53)
- Online solicitation of a minor (Penal Code 33.021)
- Money laundering (Penal Code 34.02)
- Medicaid fraud (Penal Code 35A.02)
- Obstruction or retaliation (Penal Code 36.06)
- Cruelty to livestock animals and to non-livestock animals (Penal Code 42.09 and 42.092)
- Promotion of prostitution or Aggravated promotion of prostitution (Penal Code 43.03 and 43.04)
- Compelling prostitution (Penal Code 43.05)
- Sexual performance by a child (Penal Code 43.25)
- Possession or promotion of child pornography (Penal Code 43.26)
- A conviction under the laws of another state, federal law or under the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements listed above; and
- A conviction which occurred with the previous five years for:
 - Assault that is punishable as a Class A misdemeanor or as a felony (Penal Code 22.01)
 - Burglary (Penal code 30.02);
 - Theft that is punishable as a felony (Penal code, Chapter 31);
 - Misapplication of fiduciary property or property of a financial institution that is punishable as a Class A misdemeanor or felony (Penal code 32.45);
 - Securing execution of a document by deception that is punishable as a Class A misdemeanor or felony (Penal Code 32.46);
 - False identification as peace officer (Penal Code 37.12); or
 - Disorderly conduct (Penal Code 42.01 (a) (7), (8) or (9).

Other types of criminal convictions may be considered a contraindication to employment or volunteer placement, and suitability for employment or volunteer placement is at the discretion of the Chief Executive Officer. However, any applicant for employment or volunteer placement who has a criminal charge pending or who is on active probation or under court supervision is ineligible for employment or volunteer placement until the pending charge is resolved or the probation and/or court supervision has expired.

Other convictions not listed above may be a contraindication to employment or volunteer placement with the Agency and suitability for employment or volunteer placement will be determined on a case-by-case basis. In addition, anyone being considered for employment or placement in the Aging & Disability Program who has lived outside of the State of Texas during the two (2) years preceding the application for employment or volunteer placement may be required to undergo an FBI fingerprinting check.

If an applicant for employment or volunteer service is listed as "unemployable" in the Employee Misconduct Registry or as "revoked" in the Nurses Aide Registry, then the applicant or volunteer is not considered eligible for employment with the Agency.

Acknowledgment Signature/Date

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