

Figure: 40 TAC §745.657

Types of Findings from the Central Registry (DFPS Findings) and Out-of-State Child Abuse or Neglect Registries	Is This Person Eligible for a Risk Evaluation?	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at an Operation Pending the Outcome of the Risk Evaluation?
(1) A Sustained DFPS Finding of Physical Abuse.	Except for a person described in subsection (b) of this section, this person is permanently barred from being present at an operation. Persons described in subsection (b) of this section are eligible for a risk evaluation.	Except for a person described in subsection (b) of this section, this is not applicable, because this person is not eligible for a risk evaluation. This person must not be present at an operation. Persons described in subsection (b) of this section cannot be present at an operation pending a risk evaluation. However, if the risk evaluation is approved, then the person may be present at an operation.
(2) A Sustained DFPS Finding of Sexual Abuse.	No, this person is permanently barred from being present at an operation.	Not applicable, because this person is not eligible for a risk evaluation. This person must not be present at an operation.
(3) A Sustained DFPS Finding of Labor Trafficking.	No, this person is permanently barred from being present at an operation.	Not applicable, because this person is not eligible for a risk evaluation. This person must not be present at an operation.
(4) A Sustained DFPS Finding of Sex Trafficking	No, this person is permanently barred from being present at an operation.	Not applicable, because this person is not eligible for a risk evaluation. This person must not be present at an operation.
(5) A Sustained DFPS Finding of Emotional Abuse.	Yes	Yes, (i) if the person continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the person's presence at the operation was not an immediate threat or danger to the health or safety of children; or (ii) if the CBCU previously approved for the person to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the person's contact with children at the

		operation are the same as when the CBCU approved the person to be present at the operation.
(6) A Sustained DFPS Finding of Neglect (including abandonment, neglectful supervision, physical neglect, medical neglect, and refusal to accept parental responsibility).	Yes	Yes, (i) if the person continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the person's presence at the operation was not an immediate threat or danger to the health or safety of children; or (ii) if the CBCU previously approved for the person to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the person's contact with children at the operation are the same as when the CBCU previously approved the person to be present at the operation.
(7) A DFPS Finding, Not Sustained, of Any Type of Child Abuse or Neglect Previously Mentioned In This Chart, Where the CBCU Has Determined the Presence of the Person at an Operation Does Not Present an Immediate Threat or Danger to the Health or Safety of Children.	Yes, if a sustained finding of child abuse or neglect would not bar a person from being present at an operation. No, if a sustained finding of the child abuse or neglect would bar a person from being present at an operation.	(i) If eligible for a risk evaluation, then the person may be present at an operation pending the outcome of the risk evaluation: (I) If the person continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the person's presence at the operation was not an immediate threat or danger to the health or safety of children; or (II) If the CBCU previously approved for the person to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the person's contact with children at the operation are the same as when the CBCU previously approved the person to be present at the operation. (ii) If not eligible for a risk evaluation, then not applicable.
(8) A DFPS Finding, Not Sustained, of Any	No, this person is temporarily barred from	Not applicable, because this person is not eligible for a risk evaluation. This

Types of Child Abuse or Neglect Previously Mentioned In This Chart, Where the CBCU Has Determined the Presence of the Person at an Operation Is an Immediate Threat or Danger to the Health or Safety of Children.	being present at an operation.	person must not be present at an operation. Note: The determination not to be present at an operation is not permanent until the finding is sustained.
(9) A Finding of Abuse or Neglect from another state or jurisdiction, regardless of whether the finding is sustained.	The person's eligibility for a risk evaluation is the same as the relevant sustained DFPS finding noted in sections (1) - (6) of this chart.	The person's ability to be present at an operation pending the outcome of a risk evaluation is the same as the relevant sustained DFPS finding noted in sections (1) - (6) of this chart.