Texas Administrative Code Chapter 344 Rules

Frequently Asked Questions

July 2026

These frequently asked questions are provided as a courtesy to juvenile probation departments and facilities. They do not attempt to provide every requirement of the standards. The standards should be consulted, and this guide should be used only as an aide to the standards. If there is a discrepancy between this guide and the standards, the standards control.

Can you provide a high-level overview of the timeline of changes to background check rules?

Criminal background check rules were revised in February 2018. The main change in 2018 was to require subscription to the FACT clearinghouse in order to receive immediate notifications of the arrest of an employee, volunteer, intern, or contractor who has direct, unsupervised access to juveniles in juvenile justice facility or program. Newly added at that time was a requirement to check TJJD's certification system to ensure a person's certification had not been revoked, the person was not ineligible for certification, and the person's certification was not actively suspended.

The criminal background rules were changed slightly in December 2022 to distinguish between criminal backgrounds that are a bar to service and those that may be reviewed, in accordance with Chapter 53, Occupations Code.

In September 2024, the self-disclosure form was added that requires individuals applying for any position having direct, unsupervised access to juveniles, be they employees, contractors, volunteers, interns, etc., to disclose histories of abuse, neglect, exploitation, or harassment while serving at an entity that provides services to children or other vulnerable populations or while holding a license from an entity that regulates child-serving or other vulnerable-population serving entities. The standards required the disclosed entities to be contacted to determine if there is a history of abuse, neglect, exploitation, or harassments.

In April 2026, requirements to check the search engine for multi-agency reportable conduct (SEMARC) were added along with requirements for juvenile justice facilities to complete employment verification, to the extent possible, as required by Chapter 811, Health and Safety Code, effective September 1, 2025. Other provisions were moved within the standards to help with ease of reading and application.

Where can I find a copy of standards and forms referenced in this FAQ?

All forms and standards can be found here or https://www.tjjd.texas.gov/texas-administrative-code/.

Criminal History Checks

Does a criminal history check have to be *completed* (rather than initiated) before an individual begins employment or service?

Yes, a criminal history check must be **completed** *before* an individual begins employment or service. This includes fingerprints and subscribing to the person's record in FACT.

To whom do the criminal history check requirements apply?

A criminal history check must be conducted for:

- each individual in a position requiring certification;
- each individual in a position eligible for optional certification who is seeking certification
- each individual who may have *direct, unsupervised access* to juveniles in a juvenile justice facility or program and who is:
    - an employee in a position not requiring certification or not seeking certification (if certification is optional);
    - a volunteer or intern; or
    - an individual who provides goods or services under contract on the premises of a juvenile justice facility or program, except for public school employees who have had all TEA-required criminal history checks; and
- each individual who may have *direct contact* with juveniles in a juvenile justice facility and who is:
    - an employee in a position not requiring certification or not seeking certification (if certification is optional);
    - a volunteer or intern; or
    - an individual who provides goods or services under contract on the premises of a juvenile justice facility or program, except for public school employees who have had all TEA-required criminal history checks.

Is anyone *exempt* from the criminal history checks?

Of the people who meet the definitions of those required to get a criminal history check, the following are exempt from the requirement:

- public school employees who provide services at a juvenile justice facility or program and who have had all TEA-required background checks; and
- employees of facilities or programs that are licensed by DFPS or HHSC or their equivalents in other states, as long as the chief administrative officer confirms the license is in good standing.

A criminal history check is not required for anyone not meeting the definition in the standards. This specifically includes the juvenile's attorney, family members, managing conservator, guardian, and approved visitors. However, this is a non-exhaustive list. Individuals who provide services that do not interact with juveniles, such as repair persons, are not covered by the definition.

What is the difference between direct contact with a juvenile and direct, unsupervised access to a juvenile?

Direct contact was added to the standards in April 2026 as a result of Chapter 811, Health and Safety Code, which became effective September 1, 2025. Per that statute, **direct contact** is defined as the ability to provide care, supervision or guidance to a juvenile; to exercise any form of control over a juvenile; or to routinely interact with a juvenile. **Direct, unsupervised access** is defined as the ability to physically interact with juveniles in a juvenile justice program or facility without the accompanying physical presence of or constant visual monitoring by a certified officer or other authorized employee of the program or facility. It does not include interactions that are incidental and momentary.

The reason there are two definitions is because direct contact can occur even when the access to the juvenile is supervised. Therefore, there are people that may have direct contact with a juvenile even though they do not have unsupervised access to the juvenile. While these individuals would not need a criminal history check under the direct, unsupervised access definition, they will need one under the direct contact definition. Because Chapter 811, HSC, applies only to facilities and not to programs, both definitions must be used. Those in juvenile justice programs who have direct contact but not direct, unsupervised access to a juvenile do not fall under the requirements for a criminal history check.

When determining who needs a criminal history check, can certain services (i.e., psychological testing/evaluation, mental health assessments, counseling services, etc.) be excluded from the scope of the juvenile justice "program" definition found in §344.100?

No. If an individual provides good or services under contract (written, spoken, or other agreement) on the premises of a juvenile justice program or facility, a criminal history check must be completed. The amount and way that the contract is completed does not impact the requirement. The type of services being provided also does not impact the requirement.

Are criminal history checks required for "licensed" and "contract" mental health professionals who have unsupervised access to juveniles in a juvenile justice program or facility or direct contact with juveniles in a juvenile justice facility?

Yes, if the individual may have direct, unsupervised access to a juvenile in a juvenile justice program or direct contact with or direct, unsupervised access to a juvenile in a juvenile justice facility, the criminal history check is required. The *only* exceptions are public school employees assigned to the facility by the local school district and employees of programs or facilities licensed by DFPS or HHSC. For employees of those programs or facilities, the chief administrative officer or designee must confirm the license of the program or facility is in good standing.

If an individual contracts with multiple probation departments to provide services, will the individual have to get fingerprinted by each department?

No. If the service provider has been fingerprinted, each department who is using the service provider for the same purpose can subscribe to the individual's record in the FACT system under their own ORI number. This will allow each department to get notification if a service provider is arrested or convicted.

Are past documented criminal history checks on service providers sufficient to meet the criminal history requirements found in this chapter?

No. If a criminal background check is required, a current subscription to FACT is also required. Prior background checks are not the same as an active subscription to FACT.

Whose responsibility is it to pay for the cost of the required criminal history checks?

The local department or facility has discretion regarding whether they will absorb the cost or require the individual to do so. If the department chooses to pay for the cost of the criminal history checks, TJJD grant funds may be used to pay for these expenditures, assuming they fall within the guidelines of the funding source.

What is a juvenile justice program?

A program or department that serves juveniles under juvenile court or juvenile board jurisdiction and is operated solely or partly by the governing board, juvenile board or a private vendor under a contract with the governing board or juvenile board. It includes a juvenile justice alternative education program, non-residential programs that serve juveniles under the jurisdiction of the juvenile court or juvenile board; and juvenile probation departments.

Are staff or volunteers from community service restitution sites (CSRs) required to have a criminal history check?

No. The CSRs are not "programs" as defined by §344.100 because they are not operated by or under contract with the juvenile board. As such, they are not providing services to a juvenile on the premises of a juvenile justice program.

What is the impact of a criminal history on an applicant (employee, volunteer, intern, contractor, etc.)?

A conviction or deferred adjudication for the following disqualifies a person from selection in any capacity that has direct, unsupervised access to juveniles in a juvenile justice program or juvenile justice facility or that has direct contact with juveniles in a juvenile justice facility:

- offense listed in 42A.054, Code of Criminal Procedure;
- sexually violent offense, as defined in 62.001, Code of Criminal Procedure;
- continuous sexual abuse of young child or disabled individual;
- sexual assault;
- aggravated sexual assault; or
- prohibited sexual conduct.

—answer continued on next page—

The following history may be reviewed if the probation department or facility wishes to select the person despite the history:

- non-disqualifying felony conviction or deferred adjudication within the last 10 years;
- jailable misdemeanor felony or conviction within the last 5 years; or
- current requirement to register as a sex offender for non-disqualifying registerable offense.

What is the process for requesting a review of a person's criminal history?

For *certified positions*, use the form entitled **Review Request for Criminal Background (CER-354)** and submit it via email to backgroundcheckreviews@tjjd.texas.gov. More information on how the review is conducted is available on TJJD's website where Chapter 344 is posted. See the document entitled, Chapter 344, Guidelines for Consideration of Criminal History.

For *non-certified positions*, the same type of review may be conducted by the juvenile board or its designee. The appointment of a designee must be in writing.

What happens if an individual who is already in their position is arrested?

When a department or facility receives notification of an arrest, use the form entitled **Notification of Arrest or Conviction (CER-355)** and submit via email to backgroundcheckreviews@tjjd.texas.gov within 10 calendar days. Copies of law enforcement reports and any available information must be provided as soon as possible and it may be necessary for the facility or department to answer questions from TJJD. TJJD will determine if it is necessary to request an emergency temporary order making the person ineligible to continue serving in the position until the disciplinary process can be completed.

What happens if an individual who is already in their position is convicted or receives deferred adjudication?

When a department or facility receives notification of a conviction or deferred adjudication for either disqualifying or reviewable criminal conduct, the person **must** be removed from the position requiring certification or allowing direct, unsupervised access to juveniles. If the conduct for which the person was convicted is continuous sexual abuse of young child or disabled individual, sexual assault, aggravated sexual assault, or prohibited sexual conduct, the person must be **removed** from direct contact with juveniles in a facility.

In addition, conviction or deferred adjudication **must** be reported to TJJD by completing the **Notification of Arrest or Conviction (CER-355)** form and emailing it to backgroundcheckreviews@tjjd.texas.gov. Upon receipt of the notice, TJJD will determine if it will take action to revoke or deny certification. If so, TJJD will seek an emergency suspension order if one is not already in place. If not, TJJD may impose discipline on the person's certification but the person is not prohibited from returning to the position. TJJD is obligated by law to revoke or deny certification if the person is imprisoned.

Non-Criminal Background Checks

What are the types of non-criminal background checks and to whom do they apply?

- TJJD's Certification System (ICIS)
  - Applies to everyone for whom a criminal history search is required
- Search Engine for Multi-Agency Reportable Conduct (SEMARC)
  - Applies to everyone for whom a criminal history search is required
- Employment Verification
  - Applies to all persons who may have direct contact with a juvenile in a juvenile justice facility
- Self-Disclosure Form and Checks
  - Applies to everyone for whom a criminal history search is required

What are the requirements for a search of ICIS?

When you have selected a person for a position for which a search of ICIS is required, log in to ICIS and click on the report for Ineligible Employees. The report in in alphabetical order. Look up the name to see if it is in the report. Review the list for **both** current and former names the person has used. This list includes orders of emergency suspension or ineligibility for certification pending due process. A person with this history is ineligible to be selected into the position or any other position that requires an ICIS search. There are no exceptions.

What is SEMARC and what are the requirements for a SEMARC search?

SEMARC is the search engine for multi-agency reportable conduct. It is a search engine that searches the databases or registries of TJJD, TEA, DFPS, and HHSC for individuals who have engaged in certain misconduct and received full due process and have been found ineligible for employment and/or licensure by the oversight agency.

Both current and all former names the person has used must be searched using SEMARC. You will get immediate results from TJJD, TEA, and HHSC. For DFPS, results will be pending as the search goes through their process. You must return in 24 hours and click the refresh button. If the results remain pending, you return every 24 hours to refresh.

TJJD results will always show not found or "potential match." When there is a potential match, the person conducting the search must determine if the potential match is the same person. This is done through the name, date of birth, driver's license, and other information available, such as place of employment at the time the incident that led to being placed in the database that is accessible to SEMARC. If the person is found in TJJD's database through SEMARC, the person is *not* eligible to be selected into the position or any other position that requires a SEMARC search.

If the person is found in any other agency's database through SEMARC, the person is not eligible to be selected into the position or any other position that requires a SEMARC search *unless* a review from TJJD is requested and TJJD approves the selection. Instructions and forms are available on TJJD's website under the document that contains the Chapter 344 standards.

Who do I contact with questions or issues related to SEMARC?

For technical support, including assistance with SEMARC access or login issues, please contact the Customer Success Team at customersuccessteam@tjjd.texas.gov. Questions about SEMARC, such as conducting searches or understanding search results, should be directed to semarcsupport@tjjd.texas.gov.

Do existing employees need to be checked in SEMARC, and does it matter whether they are certified?

Yes. Existing employees must be checked in SEMARC. SEMARC checks must be conducted regardless of whether an individual holds a TJJD certification. For certified individuals, the department or facility must conduct a SEMARC check as part of the certification renewal process. For non-certified individuals, the department or facility must conduct a SEMARC check every two years.

Why do I have to search ICIS given the existence of SEMARC?

For TJJD, SEMARC includes only individuals who have been revoked or made ineligible for certification. ICIS also includes those who are actively suspended. Because these are additional people that the TJJD Board has determined are not currently safe to be around juveniles, both systems must be searched to avoid creating a gap whereby the suspended individuals can move from one juvenile justice entity to another.

What is required for the employment verification process?

The employment verification requirement was added to statute in 2025 via Chapter 811, Health and Safety Code. It requires contacting all previous employers, *to the extent possible*. The purpose is to determine if the person was terminated or otherwise disciplined for conduct that included harassment in the workplace or abuse, neglect, or exploitation of a child or member of another vulnerable population.

Additionally, to avoid duplicative inquiries, when a prior employer is an entity that would otherwise be contacted through the self-disclosure form and check process, the employment verification may also be used to determine whether any of the criteria associated with that process are present. The check also requires determining if the person was ever administratively found to have engaged in conduct constituting certain offenses, even if not convicted. If so, the person is unable to serve in a position in a juvenile facility that may be placed in direct contact with a juvenile.

Does the employment verification apply to all prior employers, even those that were a long time ago or are not related to juvenile justice? What if a prior employer is no longer in business, cannot be contacted, or will not respond?

Yes, the statute requires employment verification for all previous employers, *to the extent possible.* It is not limited in any way. That said, there is no doubt there will be instances in which a previous employer has gone out of business, is unable to be contacted, no longer has employment records for the person, refuses to respond, or responds but refuses to provide information. In situations like that, document what has occurred. That is sufficient to comply with the requirement to contact the previous employers *to the extent possible*.

What is required for the self-disclosure form and checks?

The self-disclosure form and checks are designed to address known gaps in obtaining information about a person's history, which occur if the person fails to list a prior employer, contract position, volunteer service, or occupational license or is dishonest about why the person left that position. It is focused on experiences with child-serving entities or entities that serve other vulnerable populations, such as the people who are elderly, intellectually disabled, or incarcerated. It also includes people who are licensed by agencies that regulate such entities. The purpose is to determine if a person has a history of abuse, neglect, exploitation, or mistreatment, which may be reflected through termination or suspension or placement on a do not hire registry. Similar to employment verifications, these places must be contacted and you must attempt to obtain information to determine if the person has a history of abuse, neglect, exploitation, or other mistreatment. A person who is dishonest on the self-disclosure form, to include failing to disclose the person's full relevant history, may have a certification revoked or may be made ineligible for certification, in addition to any employment action that may be taken. If an individual is found to have provided false, misleading, or incomplete information, TJJD must be notified in writing via email to officer.discipline@tjjd.texas.gov.

Certification and Training

May we hire a juvenile supervision officer before receiving confirmation they received their high school diploma or GED?

No, all employment and education qualifications required must have been completed before an individual begins employment.

To be eligible for credit toward a new certification or renewal, how far back can the training be received?

For *new* certifications, training must be received within 18 months prior to the date the certification application was submitted. For *renewals*, training must be received within the current certification period (2 years), plus may also include any hours that were rolled over from the previous certification period.

How many hours are required for continuing education for certified officers?

- Juvenile Supervision Officers = 80 Hours
- Juvenile Probation Officers = 60 Hours
- Community Activities Officers = 40 Hours

How many times can any training topic be counted in a certification period?

Generally speaking, a training topic may only be counted twice in a certification period. A topic may be counted up to four times in a certification period if an officer is concurrently employed by more than one juvenile probation department or juvenile facility or has transferred to a new department or facility within a certification period. For a juvenile supervision officer or community activities officer, credit for a training may be granted one additional time if the topic is required during each certification period as listed in §344.640 and training hours for the topic were carried over.

If a juvenile probation department requires a training annually (i.e., handle with care, CPR, etc.), will an officer be able to count this toward their renewal?

If training is required annually, an officer may count the respective topic only twice in a certification period except as described above. Therefore, TJJD recommends being careful with regard to which hours are rolled over each year.

Can meetings, reviews of policy/procedures, or reviews of employment-related benefits be eligible for training credit?

These topics are not eligible for training credit unless they meet the requirements in §344.660.

How many attempts are allowed for an individual to pass the certification exam?

Individuals are allowed **three** attempts to pass the exam. An individual who has not passed the exam on the third attempt is not eligible to take the exam again until 180 days have elapsed and the individual has repeated training in all mandatory exam topics.

Who should be certified as a community activities officer?

An individual who is employed by a juvenile justice program and whose position may require supervising or transporting juveniles in a non-secure setting within a juvenile justice program must maintain an active certification as a community activities officer unless the individual holds another TJJD certification or is providing professional services. Juvenile probation and supervision officers may perform the duties of a community activities officer, which is why they *cannot* be dual certified as a community activities officer.

If staff performs the duties of a certified officer only intermittently and on a temporary basis, are they required to maintain that applicable certification?

Yes.

If our department employs juvenile supervision officers but does not have a facility, are we permitted to certify people as JSO's?

No. Effective February 1, 2018, all juvenile supervision officer certifications that were at a department without a facility expired. No new juvenile supervision officer certifications will be issued for people who are not serving as a juvenile supervision officer at a facility.

If a juvenile supervision officer works in a JJAEP, will they still be able to maintain their juvenile supervision officer certification?

If an individual works in a JJAEP for a juvenile probation department that *does not* operate a facility, the individual may be certified as a community activities officer but not as a juvenile supervision officer. If an individual works in a JJAEP and the juvenile probation department *does* also operate a facility, the individual may be certified as a juvenile supervision officer only if the individual will be performing the duties of a JSO. If not, then the person will need to maintain a certification as a community activities officer.

What immediate consequences exist if an officer's certification application is not submitted for renewal before the end of the individual's certification period and any grace period or extension?

- The individual may not perform the duties of a certified officer;
- The individual may not count toward any staff-to-juvenile ratio; and
- The individual may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after a new application for certification has been approved by TJJD.

How far in advance may an application for renewal be submitted?

Renewal applications may not be submitted more than 30 days before the end of the individual's certification period.

When will an individual's certification expire?

An individual's certification will expire (rather than become inactive) if a renewal application is not submitted before the end of the certification period plus any applicable grace period or extension.

Do individuals have a grace period before a certification expires?

Yes. A grace period for renewal applications is one month after the end of an officer's certification period.

Does TJJD still have an *inactive* status?

Yes. An inactive status means that an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

- the officer is no longer employed in a position that either requires or is eligible for certification;
- the officer has been convicted of a disqualifying criminal offense; or
- the officer's application is determined by TJJD to contain deliberately false or misleading information.

What training is required if a certification expires but needs to be restored?

- If the certification was expired for *less than six months*, training received during the entire previous certification period may be used on the application. There is no requirement to complete the certification exam again.
- If the certification was expired for *six months or more*, training received within the previous 18 months may be used on the application. Completing the certification exam again is required.

Once an officer separates from the juvenile probation department or facility, who is responsible for notifying TJJD's Certification Office of any address changes until the certification expires?

The individual certified officer is responsible, not the department or facility.

Are there any special requirements for officers supervising or transporting a juvenile in a non-security setting within a juvenile justice program?

Yes. Staff who perform transport functions must obtain a community activities officer certification. At least one staff member who is supervising or transporting must be certified in CPR and first aid. (See Chapter 341)

When may a juvenile supervision officer who is not yet certified supervise residents?

A juvenile supervision officer who is not yet certified may supervise residents only if the individual:

- has not exceeded the deadline for submitting an application for certification (first 180 days of employment);
- has completed all training required by TAC §344.622 and §344.624; and
- has passed the certification exam. (See Chapter 343)

Can a juvenile supervision officer be included in officer-to-resident ratios and perform any duties of a juvenile supervision officer if they have not yet received the facility-specific required training?

No.