Criminal Record Background Check(s)

Rhode Island Department of Children, Youth and Families
Policy: 900.0040
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To ensure appropriate safeguards, state and federal law mandates criminal record background checks for many individuals who provide care to children and youth. The Department of Children, Youth and Families (the Department), is both authorized and required to promulgate rules to implement state and federal law. **Related Procedures** provide detailed direction regarding who is required to submit to statewide and/or nationwide criminal record background check(s), the process for securing these checks and disqualifying information that may be reported as a consequence of the check(s). For the purpose of this policy, a nationwide criminal record background check always includes the taking of fingerprints. An individual subject to a criminal record background check may also be required to undergo an employment background check and/or a clearance for substantiated allegations of child abuse and neglect. Refer to DCYF Policy 900.0035, Employment Background Checks Facility Operators/Facility Employees and DCYF Policy 700.0105, Clearance of Agency Activity. An individual who has an adverse decision as a result of information discovered is entitled to appeal in accordance with the Administrative Procedures Act and DCYF Policy 100.0055, Complaints and Hearings.

The following Federal and State statutes apply:

The Adam Walsh Child Protection and Safety Act of 2006
The Adoption and Safe Families Act (ASFA)
The Child Abuse Prevention and Treatment Act (CAPTA)
The Fostering Connections to Success and Increasing Adoptions Act of 2008
The National Child Protection Act of 1993
RIGL 14-1-34
RIGL 15-7-11
RIGL 40-13
RIGL 42-35-9 and 42-35-15

Related Procedures

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Clearance of Agency Activity
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Individuals Subject to Criminal Record Background Check(s)

Procedure from Policy 900.0040: Criminal Record Background Check(s)

A. Statewide and nationwide criminal record background checks are required for prospective:
   1. Foster parents and visiting resources for children receiving Department services and household members, age eighteen or over.
   2. Adoptive parents and household members age eighteen or over.
   3. Legal guardians and household members age eighteen or over.
   4. Owners and operators of:
      a. Residential child care facility(s)
      b. Child Care Center(s) and Family Child Care Home(s)
      c. Child Placing Agency(s)
      d. Community-based program(s) required to be licensed or certified by the Department
   5. Applicants for positions involving supervisory or disciplinary power over or routine contact with a child(ren) without the presence of other employees, including any prospective employees, volunteers and consultants of a:
      a. Residential Child Care Facility
      b. Child Care Center or Family Child Care Home
      c. Child Placing Agency
      d. Community-Based Programs required to be licensed by the Department
   6. Applicants for employment in any Department position.
   7. Volunteers, interns and consultants applying for Department positions that involve supervisory or disciplinary power or routine contact with a child(ren) without the presence of other employees.

B. Statewide criminal record background checks are required for prospective:
   1. Department volunteers and consultants applying for positions that do not involve supervisory or disciplinary power or routine contact with a child(ren) without the presence of other employees.
   2. Family child care home household members, age eighteen or older.
   3. Respite care providers.
   4. Members of the Board of Directors of a child placing agency.

C. Statewide criminal record background checks may be required for individuals who:
   1. Are subjects of reports of child abuse and/or neglect to the Child Protective Services.
   2. Are referred to the Department for services or are adult household members of individuals referred to the Department for services.
   3. Have contact with children receiving services from the Department.

D. An individual who requires a nationwide criminal record background check is also subject to the statewide criminal record background check. A nationwide criminal record background check always includes the taking of fingerprints.

Criminal Record Background Checks - Prospective Foster and Adoptive Resources

Procedure from Policy 900.0040: Criminal Record Background Check(s)

A. Statewide and nationwide criminal record background checks are completed on all prospective foster and adoptive parents and prospective visiting resources for children receiving Department services and their household members over age eighteen. A visiting resource is an individual who agrees to maintain regular contact, which may include overnight and weekend visitation with a child in care and is considered to be a prospective foster care resource.

B. Statewide Criminal Record Background Check:

1. It is the responsibility of the child placing agency, in the case of a foster or adoptive home licensed through a child placing agency, to ensure that the statewide criminal record background check is completed on applicants and their household members eighteen and over.
2. A Department staff person completes or ensures the completion of any required statewide criminal record background check relating to his/her work assignments.
3. A statewide criminal record background check is completed by the designated Department staff and the results are documented on RI Criminal History System Clearance (DCYF #034):
   a. As part of the initial application process for foster care or adoption licensing, the statewide criminal record background check is completed by the licensing staff person.
   b. In the case of an emergency placement of a child in a kinship foster home prior to the completion of the licensing process, the statewide criminal record background check is completed by the assigned worker in Child Protective Services, Family Services, Juvenile Probation or the RI Training School staff responsible to place the child. Refer to **DCYF Policy 900.0025, Kinship Care**.
4. As part of the re-licensing process, a statewide criminal record background check is completed by:
   a. Department licensing staff for foster and adoptive resources licensed through the Department.
   b. The child placing agency staff person for foster and adoptive resources licensed through the child placing agency.
5. Department staff are prohibited from providing copies of this information to persons outside of the Department. Staff refer subjects of a criminal record background check, who wish copies of clearance results, directly to the Department of the Attorney General.

C. Nationwide Criminal Record Background Check

1. The applicant or adult household member is instructed by the assigned Department or child placing agency staff to apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal record background check.
   a. The applicant is provided with and instructed to bring to law enforcement agency the Fingerprint Affidavit (DCYF #109A). The DCYF 109A includes the **Criminal Record Background Checks Addendum – Disqualifying Information** and informs the law enforcement agency

where to send the results (either the Department or the Child Placing Agency).

b. Criminal record background check is conducted without charge to prospective foster parents or adoptive parents. In the case of prospective adoptive parents, the Department or the private child placing agency conducting the adoption home study is responsible for all costs relating to the checks.

2. The Department is provided with details of criminal convictions in addition to being notified that there is disqualifying information.

a. If the Department receives information regarding a history of non-disqualifying criminal information, this information must be reviewed by a supervisor and administrator prior to proceeding with licensing.

b. An applicant with a conviction of an offense that is not automatically disqualifying may be denied licensure if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the applicant to provide child care.

3. A child placing agency is only notified whether or not disqualifying information exists.

4. An individual applying to be an adoptive parent may not be required to submit to this check if he/she has undergone a nationwide criminal record background check for the Department within the eighteen months prior to the date of application. A letter from the state or local police who completed the nationwide check verifying the date and results of that check is acceptable.

D. If no disqualifying information has been discovered, Department Licensing or child placing agency staff proceeds with the licensing process and places the results of the criminal record background check in the provider file.

E. If disqualifying information has been discovered, Department Licensing or the child placing agency immediately notifies the applicant in writing of the denial of licensure (except if the applicant is a prospective kinship caregiver and Level 2 disqualifying information has been discovered. Refer to Procedure: Appeal of Denial/Revocation of Licensure/Certification or Denial/Termination of Employment).

F. The notification letter informs the applicant of the right to appeal in conformance with DCYF Policy 100.0055, Complaints and Hearings and Criminal Record Background Checks – Addendum, Disqualifying Information.

Criminal Record Background Checks - Prospective Facility Operators and Employees

Procedure from Policy 900.0040: Criminal Record Background Check(s)

A. Statewide and nationwide criminal record background checks are completed on all prospective residential child care facility owners and operators, child placing facility owners and operators, child care center owners and operators, family child care home operators and owners/operators of community-based programs requiring Department licensing.

1. A statewide criminal record background check is completed by designated Department Licensing staff.
   a. Results are documented on RI Criminal History System Clearance (DCYF #034) and included in the provider file.
   b. As part of the re-licensing process, Licensing staff completes a statewide criminal record background check and ensures that Employment History Affidavit (DCYF #108), Criminal History Affidavit (DCYF #109) and written results are in the provider file for each owner and operator.
2. For a nationwide criminal record background check, the applicant is instructed to apply to the Rhode Island Bureau of Criminal Identification. All nationwide criminal record background checks include the taking of fingerprints.
   a. Any expense associated with the criminal record background check is paid by the applicant and/or requesting agency.
   b. The applicant completes the Employment History Affidavit (DCYF #108) and Criminal History Affidavit (DCYF #109) for the provider file.
   c. The applicant is provided with and brings to the Rhode Island Bureau of Criminal Identification the Fingerprint Affidavit (DCYF #109A). The DCYF 109A includes the Criminal Record Background Checks Addendum, Disqualifying Information.
3. Results of the criminal record background check, identifying the nature of any disqualifying information, are sent to the Department.
   a. If there is no criminal history, Licensing staff proceeds with the licensing process and places the results of the criminal record background check in the provider file.
   b. If the Department receives information regarding a history of non-disqualifying criminal information:
      i. Information must be reviewed by the supervisor and an administrator prior to proceeding with licensing.
      ii. An applicant with a conviction of an offense that is not automatically disqualifying may be denied licensure if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the applicant to provide child care.
   c. If disqualifying information has been discovered, Licensing staff immediately notify the applicant of the denial of licensure.
   d. The notification letter informs the applicant of the right to appeal, if applicable, in conformance with DCYF Policy 100.0055, Complaints and Hearings and Criminal Record Background Checks Addendum, Disqualifying Information.

B. Employees of residential child care facilities, child placing facilities, child care centers, community-based programs requiring Department licensing and of family child care homes:

1. ~~Family child care home assistants and individuals providing emergency coverage are subject to statewide and nationwide criminal record background checks. All nationwide criminal record background checks include the taking of finger prints.~~
    a. ~~Family child care home operator ensures that the applicant completes Employment History Affidavit (DCYF #108) and Criminal History Affidavit (DCYF #109) and forwards to Department Licensing.~~
    b. ~~Licensing staff completes statewide criminal record background check for the applicant. Results are documented on RI Criminal History System Clearance (DCYF #034) and included in the provider file.~~
    c. ~~Family child care home operator instructs the applicant to apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal record background check. The applicant is provided with, and brings to law enforcement agency, Fingerprint Affidavit (DCYF #109A), which includes the Criminal Record Background Checks - Addendum, Disqualifying Information and informs the law enforcement agency where to send results.~~
    d. ~~Results are sent to the Department, indicating that the applicant does or does not have disqualifying information.~~
        i. ~~If there is no criminal history, Licensing staff informs the family child care home operator that the prospective employee is eligible for employment and places the results of the criminal record background check in the provider file.~~
        ii. ~~If the Department receives criminal history information that is not automatically disqualifying, this information must be reviewed by supervisor and administrator. An applicant with a conviction of an offense that is not automatically disqualifying may be denied licensure if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the applicant to provide child care.~~
        iii. ~~If disqualifying information has been discovered, Licensing staff informs the family child care home operator that the prospective employee is ineligible for employment.~~
        iv. ~~The applicant/employee is provided a copy of the notification and informed of his or her right to appeal if applicable in conformance with DCYF Policy 100.0055, Complaints and Hearings and Criminal Record Background Checks Addendum, Disqualifying Information.~~
    e. ~~As part of re-licensing, Licensing staff completes a statewide criminal record background check on family child care home assistants, individuals providing emergency coverage and adult household members. Staff ensures that Employment History Affidavit (DCYF #108), Criminal History Affidavit (DCYF #109) and written results of the criminal record background check are in the provider file for family child care home staff.~~
2. ~~Employees of residential child care facilities, child placing facilities, child care centers and community-based programs requiring Department licensing:~~
    a. ~~Facility operator requires all persons who are offered employment, volunteers and consultants, in positions that involve supervisory or disciplinary power over a child or involve routine contact with a child without the presence of other employees, to undergo statewide and nationwide criminal record background checks. All nationwide criminal record background checks include the taking of finger prints.~~

b. The Operator ensures that the applicant completes the Employment History Affidavit (DCYF #108) and Criminal History Affidavit (DCYF #109).

c. The Operator instructs the applicant to apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal record background check. The applicant is provided with, and brings to law enforcement agency, the Fingerprint Affidavit (DCYF #109A), which includes the **Criminal Record Background Checks - Addendum, Disqualifying Information** and informs the law enforcement agency where to send the results. Results of the check are sent to the employer, indicating that the applicant does or does not have disqualifying information.

d. If facility administrator hires the employee prior to receiving the results of the check:

   i. Employment History Affidavit (DCYF #108), Criminal History Affidavit (DCYF #109) and results of the statewide criminal record background check, indicating no history of disqualifying information, must be completed and fingerprints taken prior to the applicant beginning the job assignment.

   ii. Applicant ensures that prior to starting employment, the employer has received written verification that the nationwide criminal record background check has been initiated and this documentation is placed in the employee's personnel file.

   iii. Until the results of the check are received by the employer, the employee, volunteer or consultant does not have supervisory or disciplinary power over or routine contact with child(ren) without the presence of others.

   iv. Within ninety calendar days of hiring, notice is placed in the personnel file identifying the results of the criminal background check. If notice is not received within ninety days, the applicant is relieved of child caring responsibilities.

e. Upon receipt of notification that disqualifying information has been discovered, the facility administrator immediately notifies the applicant that his/her application is rejected or, if an individual is already employed, that employment will be terminated in ten working days.

   i. This letter informs the employee of his/her right to appeal in conformance with **DCYF Policy 100.0055, Complaints and Hearings** and **Criminal Record Background Checks - Addendum, Disqualifying Information**.

   ii. A copy of this letter is provided to Department Licensing and to the Hearing Officer.

   iii. Any notifications by the Hearing Officer to the Licensing staff within the context of the appeal are shared with the facility administrator.

f. Employees, volunteers or consultants who do not have supervisory or disciplinary power over or routine contact with children without the presence of others need not undergo the criminal record background checks.

   i. The facility operator certifies in writing that the individual has no supervisory or disciplinary power over or routine contact with child(ren).

ii. ~~A copy of this certification is provided to the Department's Licensing staff and filed in the employee's personnel file.~~

g. ~~Facility operator's failure to require the criminal record background check or failure to maintain the written results of the check or the above referenced certification on file constitutes grounds to revoke the license of the operator.~~

h. ~~As part of re-licensing, the facility operator is responsible to ensure that a statewide criminal record background check is completed for each full or part time employee, volunteer or consultant who has supervisory or disciplinary power over or routine contact with child(ren) without the presence of others. Department Licensing staff ensures that the provider file contains Employment History Affidavit (DCYF #108), Criminal History Affidavit (DCYF #109) and written results of the criminal record background check for these individuals.~~

i. ~~Expungement of the results of the employee's criminal record background check is consistent with the facility's policy on expunging the employee's personnel file after termination of employment.~~

3. ~~Prior nationwide criminal record background checks for employees:~~

a. ~~An applicant for employment may not be required to submit to fingerprinting if he/she has submitted to the nationwide criminal record background check eighteen months prior to the date of application.~~

b. ~~Employer may request, from the bureau of criminal identification of the state police or the local police department or the Attorney General's Office for employees of residential child care facilities, child placing facilities, child care centers or community based programs requiring Department licensing, a letter indicating if any disqualifying information was discovered.~~

c. ~~State or local police bureau of criminal identification or the Attorney General's Office responds by stating if disqualifying information was discovered (without disclosing the nature of the information) or by stating that no disqualifying information was discovered.~~

d. ~~The letter from the state or local police who completed the nationwide criminal record background check, which verifies the date and results of that check, is maintained on file.~~

Criminal Record Background Checks - Employees of the Department

Procedure from Policy 900.0040: Criminal Record Background Check(s)

A. All prospective employees of the Department are required to undergo statewide and nationwide criminal record background checks. The nationwide criminal record background check includes the taking of fingerprints.

B. All prospective Department volunteers, interns and consultants undergo a criminal record background check(s).
   1. A statewide criminal record background check is required for volunteers, interns and consultants when their positions **will not involve** supervisory or disciplinary power or routine contact with a child without the presence of other employees.
   2. Statewide and nationwide criminal record background checks are required for Department volunteers, interns and consultants when their positions **involve** supervisory or disciplinary power or routine contact with a child without the presence of other employees.
      a. The appropriate Department administrator determines whether a volunteer, intern or consultant will have supervisory or disciplinary power over or routine contact with child(ren) without the presence of other employees.
      b. If the determination is made that a volunteer, intern or consultant will not have contact described in paragraph C1 and that a nationwide criminal background check is unnecessary, a letter certifying this is maintained on file by the Department administrator.

C. For a statewide criminal record background check, a Department staff person completes or ensures the completion of the check relating to his/her work assignments.
   1. Designated Department staff have access to the Rhode Island Criminal History System.
   2. Department staff, requiring a statewide criminal record background check, who do not have access, submit the Rhode Island Criminal History System Clearance (DCYF #034) to designated staff authorized to access the System.
   3. The designated staff, who completes the statewide criminal record background check, documents results on the DCYF #034 and prints and attaches to the DCYF #034 information relating to any suspected matches.
   4. The staff who requested the clearance reviews the results to ensure that the information relates to the intended person and includes a copy of the results in the personnel file.
   5. Department staff are prohibited from providing copies of this information to persons outside of the Department. Staff refer subjects of a criminal record background check, who wish copies of clearance results, directly to the Department of the Attorney General.

D. For a nationwide criminal record background check, the Department instructs applicants to apply to the bureau of criminal identification of the Department of the Attorney General, state police or the local police department.
   1. The applicant is provided with, and brings to law enforcement agency, Fingerprint Affidavit (DCYF #109B).

2. The DCYF 109B includes the Criminal Record Checks Addendum, Disqualifying Information and informs the law enforcement agency where to send results of the check.

E. Upon receipt of the results of the criminal record background check, the Department may take action relative to the applicant's employment:
   1. If there is no criminal history, the applicant and the Department are informed in writing. Written documentation of results of the criminal record background check are maintained in the employee's personnel file.
   2. If the Department receives criminal history information that is not automatically disqualifying, this information must be reviewed by an appropriate supervisor and administrator. An applicant with a conviction of an offense that is not automatically disqualifying may be denied employment if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the applicant to provide child care.
   3. If disqualifying information has been found, the applicant is informed in writing of the nature of the disqualifying information. The Department is informed in writing only that disqualifying information has been found.
      a. Upon receipt of notification that disqualifying information has been discovered, the Department immediately notifies the applicant/employee in writing that he/she will not be hired. A copy of this letter is provided to the administrator.
      b. The notification letter informs the applicant of the right to appeal in conformance with DCYF Policy 100.0055, Complaints and Hearings and Criminal Record Background Checks - Addendum, Disqualifying Information.

F. If the prospective employee, volunteer, intern or consultant has undergone a nationwide criminal records background check within the previous six months of application for employment, the Department may accept a letter from the Bureau of Criminal Identification verifying the date and results of the check.

Appeal of Denial/Revocation of Licensure or Denial/ Termination of Employment

Procedure from Policy 900.0040: Criminal Record Background Check(s)

A. If an individual is disqualified for the arrest and/or conviction for any Level 1 Offense (refer to Criminal Record Background Checks Addendum, Disqualifying Information), that individual has a right to appeal the denial or revocation of a license or the denial or termination of employment for the purpose of demonstrating that he or she has not been arrested and/or convicted for such an offense.

1. Within thirty days of receipt of an adverse agency decision, the applicant/employee must inform the Department of his or her intent to appeal by filing a Formal Request for Hearing (DCYF #016) with the Hearing Officer.
   a. The applicant/employee must attach a copy of his/her disqualifying information report, which identifies the specific disqualifying offense(s).
   b. The applicant/employee provides evidence that he or she has not been arrested and/or convicted of any Level 1 offense.
2. The Hearing Officer reviews the materials submitted on behalf of the applicant/employee and conducts the appeal process and provides a written decision in accordance with timeframes and procedures established in DCYF Policy 100.0055, Complaints and Hearings.
   a. If the applicant/employee is unable to present evidence that he or she has not been arrested and/or convicted of a Level 1 offense, the Hearing Officer upholds the denial, termination or revocation and notifies the applicant, employer and Department Licensing, if applicable.
   b. If the applicant/employee has presented evidence that he or she has not been arrested and/or convicted of a Level 1 offense, the Hearing Officer overturns the rejection based on disqualifying information and notify the applicant, employee and Department Licensing, if applicable.

B. If an individual is disqualified for the arrest and/or conviction for any Level 2 Offense (refer to Criminal Record Background Checks Addendum, Disqualifying Information), that individual has a right to appeal the denial or revocation of a license or the denial or termination of employment for the purpose of demonstrating his/her long standing record of excellence in child care.

1. When the Department is seeking to place a specific child with a kinship caregiver and Level 2 disqualifying information has been discovered, a divisional administrative review is completed by the appropriate Department administrator, pursuant to DCYF Policy 100.0055, Complaints and Hearings, to determine if the applicant would be a fit and proper caregiver for the child and if there should be an override of the rejection based on disqualifying information. In the event the override is denied, the applicant has the right to appeal to the Hearing Officer as described in paragraphs B2 and B3, below.
2. Except as described in paragraph B1, within thirty days of receipt of an adverse agency decision, an applicant/employee informs the Department of his/her intent to appeal by filing Formal Request for Hearing (DCYF #016) with the Hearing Officer.
   a. The applicant/employee must attach a copy of his/her disqualifying information report, which identifies the specific disqualifying offense(s).
   b. The applicant/employee must provide written references attesting to the applicant's long standing record of excellence in child care. Such references must be from individuals who are qualified by virtue of

education and/or experience to testify to the abilities of the applicant/employee. Such individuals include:

i. Licensed child care providers
ii. Current or previous child care professionals
iii. Other professionals with credentials to effectively judge the applicant's qualifications in providing child care.

3. The Hearing Officer reviews the materials submitted on behalf of the applicant/employee, conducts the appeal process and provides a written decision in accordance with timeframes and procedures established in DCYF Policy 100.0055, Complaints and Hearings.
   a. If the applicant/employee has not demonstrated a record of excellence in child care sufficient to warrant disregard of the otherwise disqualifying information, the Hearing Officer upholds the denial, termination or revocation and notifies the applicant, employer and Department Licensing, if applicable.
   b. If the applicant/employee has demonstrated a record of excellence in child care, the Hearing Officer may overturn the rejection based on disqualifying information and notify the applicant, employee and Licensing, if applicable.

STATE OF RHODE ISLAND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
Criminal Record Background Checks - Addendum
Disqualifying Information

The arrest and conviction* or arrest pending disposition for one of the criminal offenses listed below or for any offense, which involves elements of proof that are substantially similar to the offenses listed below, disqualifies an individual from serving in a child caring capacity in a program or service operated by or for DCYF and/or requiring licensure or certification by DCYF or residing in a household wherein such a program or service is provided or from owing or operating any such program or service or from serving as a DCYF employee, intern, volunteer or consultant or from functioning in any other capacity subject to a statewide or nationwide criminal record background check in accordance with federal and/or state law or DCYF rule.

* For purposes of this protocol, "conviction" means a judgment of conviction entered by a court subsequent to a finding of guilty. Further, any case where a defendant has entered a plea of nolo contendere and has received a sentence that includes a fine and/or a period of incarceration constitutes a conviction. Any instance where the defendant has entered a plea of nolo contendere and has received a sentence of only probation constitutes a conviction while the probationary period is pending.

LEVEL 1 OFFENSES

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, that individual has a right to appeal for the purpose of demonstrating that he or she has not been arrested and/or convicted for such an offense.

- Felony Child Abuse or Neglect
- Felony Domestic Violence
- Felony committed against a child
  - 1st Degree Child Molestation
  - 2nd Degree Child Molestation
  - Child Pornography
  - Circulation of obscene publications and shows
  - Sale or exhibition to minor of indecent publications, pictures or articles
  - Child nudity in publication
  - Transportation for Indecent purposes
  - Harboring
  - Prostitution
  - Pandering
  - Deriving support or maintenance from prostitution
- Felony Drug Offense committed less than five (5) years ago
- Felony involving violence
  - Murder
  - Manslaughter
  - Rape

- 1st Degree Sexual Assault
- 2nd Degree Sexual Assault
- Kidnapping
- Car-jacking
- 1st Degree Arson
- 2nd Degree Arson
- Mayhem
- Felony Assault committed less than five (5) years ago
- Felony Battery committed less than five (5) years ago

LEVEL 2 OFFENSES

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, that individual has a right to appeal for the purpose of demonstrating his or her long standing record of excellence in child care:

- Felony Assault committed over five (5) years ago
- Felony Battery committed over five (5) years ago
- Felony Drug Offense committed over five (5) years ago
- Robbery
- Breaking and Entering
- Burglary
- Illegal Possession of a Firearm
- Misdemeanor Domestic Assault
- 3rd Degree Sexual Assault

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, when the offense does not involve a child, that individual has a right to appeal for the purpose of demonstrating his or her long standing record of excellence in child care:

- Transportation for Indecent purposes
- Harboring
- Prostitution
- Pandering
- Deriving support or maintenance from prostitution
- Circulation of obscene publications and shows