

## Quick Reference - Screening Criteria

**DENIAL - 62A-2-120(3)** Unless at least ten years have passed since the date of conviction the Office may **NOT** approve a person to have direct access to children or vulnerable adults in the licensed human services program if that person has been convicted of an offense, whether a felony, misdemeanor, or infraction, that is identified as:

### **Offenses against the person, including:**

Abuse, neglect or exploitation of a vulnerable adult  
 Assault  
 Battery  
 Bestiality  
 Child abuse or neglect  
 Child or elder adult endangerment  
 Cruelty to animals  
 Custodial Interference  
 Domestic Violence  
 Harassment  
 Hazing  
 Homicide (criminal, negligent, automobile, child abuse)  
 Kidnapping  
 Lewdness  
 Mayhem  
 Sexual Offense  
 Stalking  
 Terroristic Threat  
 Unlawful detention  
**(this is not a comprehensive list. ALL technicians shall be trained on full statute wording)**

### **Offenses against the family, including:**

Adultery  
 Aggravated arson, burglary or robbery bigamy  
 Criminal nonsupport  
 Fornication  
 Incest  
 Sale of a child

A conviction for an offense committed outside of the state that, if committed in the state, would constitute a violation of an offense described above.

**APPROVAL - 62A-2-120(2)** Approvals are based on the following:

- the person is found to have **no** criminal history record; or
- the only convictions in the person's criminal history are misdemeanors or infractions **not** involving any of the offenses described as statutorily mandated (see 'Denial' list), **and**
  - the date of the last conviction is more than five years before the date of the search
  - the person is **not** listed in the statewide database of the Division of Aging and Adult Svcs.
  - the person is **not** listed in the Licensing Information System of the Division of Child and Family Services
  - the person has **not** pled guilty or no contest to a pending charge for any statutorily mandated:
    - felony, misdemeanor or infraction**
  - the person is **not** listed in a child abuse and neglect registry of another state as having a substantiated or supported finding of a severe type of child abuse or neglect.

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**PENDING CHARGES - R501-14-8(4)** An applicant charged with an offense for which there is no final disposition shall inform the Office of Licensing of the current status of each case.

An applicant shall submit a certified copy of judicial documentation that indicates the current status of the case at least once every 3 months until final disposition.

**COMPREHENSIVE REVIEW - 62A-2-120(4)** The Office shall conduct a comprehensive review of criminal and court records and related circumstances if the reason the approval is not granted is due solely to one or more of the following:

- a conviction for
  - any other felony (a felony **not** requiring a statutorily mandated denial)
  - any other misdemeanor or infraction (**not** requiring a statutorily mandated denial) with a conviction date within five years of the date of the search
- a protective order or ex parte protective order violation or a similar statute in another state; or any felony, misdemeanor, infraction listed as requiring a statutorily mandated denial, but now **at least** ten years have passed since the date of conviction
- a plea of guilty or no contest to a pending felony, misdemeanor, infraction listed as requiring a statutorily mandated denial
- the person is listed in the statewide database of the Division of Child and Family Services
- the person is listed in a child abuse or neglect registry of another state as having a substantiated or supported finding of a severe type of child abuse or neglect (Adam Walsh Child Protection Act provision)

### **POST APPROVAL RESPONSIBILITIES - R501-14-8**

Immediately notify the Office of Licensing if (after the application is approved):

- the applicant is charged with any felony, misdemeanor, or infraction
- the applicant is listed in the Licensing Information System of the Division of Child and Family Services
- the applicant is listed in the statewide database of Adult and Aging Services

If one of the above occurs:

- the applicant must submit a new application to the Office of Licensing **within ten calendar days** after being charged or listed.
- the applicant shall have no unsupervised direct access to a child or vulnerable adult until after an application has been resubmitted and a current background screening approval is received from the Office of Licensing.

### **APPROVAL STAMPS**

|             |   |
|-------------|---|
| <b>CAL</b>  | Criminal, 62A-2-120   |
| <b>LISA</b> | Child Abuse (LIS) Licensing Information System of the Division of Child and Family Services |
| <b>AMIS</b> | Adult Abuse (MIS) Statewide database of Adult and Aging Services                            |
| <b>NA</b>   | Not Applicable - The provisions of the Adam Walsh Child Protection Act do <b>not</b> apply  |

If the provisions of the Adam Walsh Child Protection Act apply (proctor, professional parent, foster care, or adoption of a child in the care and custody of the state):

- ADAM** Nationwide FBI criminal history check compliance
- OSCAR** Out-of-State Child Abuse Registry compliance