

Kinship Care Barred Offenses

Caregiver Background Checks

All kinship applicants initially denied based on background check results can request a Director Review, which allows the local agency discretion to approve the application or redetermination

REMEMBER:

- Barred offenses do not apply to long-term kinship care applicants
- Convictions for similar violations of federal law or laws in other states are also barred

ALL Chapter 940 Convictions (except as below) – Crimes Against Life & Bodily Security

Exceptions to Chapter 940 Barred Offenses	
940.291	Failure of Law Enforcement Officer to Render Aid
940.34	Duty to Aid Victim or Report Crime

ALL Chapter 944 Convictions (except as below) – Crimes Against Sexual Morality

Exceptions to Chapter 944 Barred Offenses	
944.36	Solicitation of Drinks Prohibited

Exception if the Violation Occurred More Than 20 Years Ago	
944.30(1m)	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering

ALL Chapter 948 Convictions (except as below) – Crimes Against Children

Exceptions to Chapter 948 Barred Offenses	
948.45	Contributing to Truancy
948.63	Receiving Property from a Child
948.70	Tattooing of Children

ALL Chapter 961 FELONY Convictions – Uniform Controlled Substances Act

ONLY the following Chapter 939 Convictions – Penalty Enhancers*

Chapter 939 Barred Offenses	
939.6195	Firearm Crime by a Repeat Offender– does not apply to sentences after July 1, 2022
939.62	Habitual Criminality
939.621	Certain Domestic Abuse Crimes
939.623	Elder Person Victims
939.63	Use of a Dangerous Weapon
939.645	Crimes Committed against Certain People or Property [Hate Crimes]
939.64, 1999 Statutes	Use of Bulletproof Garment while Committing a Felony
939.641, 1999 Statutes	Concealing Identity while Committing a Crime

*The Chapter 939 offenses above are “penalty enhancers,” which are violations that occur while committing another crime. Penalty enhancers are often listed along another crime. If a penalty enhancer is the only reason for the denial, look closely at the DOJ background check to confirm the person was convicted of the penalty enhancer crime and not merely charged.