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# *CAREGIVER BACKGROUND CHECKS*

## *Automatic Denials for Kinship Care*

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Denials are Subject to Review Upon Applicant Request for an Appeal to the Kinship Director

**REMEMBER:**

1. This worksheet does not apply to long-term kinship care applicants!
2. An applicant convicted of a similar federal or other state’s crime should also be denied.
3. An agency must consider how any other arrest or conviction may affect the child or the relative’s ability to care for the child and may deny on that basis.

### **CONVICTIONS THAT BAR KC PAYMENTS (Does not apply to LTKC)**

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**ALL CHAPTER 940 CONVICTIONS (except as below) - Crimes Against Life & Bodily Security**

**Exceptions to chapter 940 denials are:**

- 940.291..... Failure of police officer to provide first aid
- 940.34..... Failure to call police or aid a crime victim exposed to bodily harm

**ALL CHAPTER 944 CONVICTIONS (except as below)– Crimes Against Sexual Morality**

**Exceptions to the chapter 944 denials are:**

- 944.36..... Allowing an employee or entertainer to solicit alcohol

**Exception to Automatic Denial Twenty Years after the Violation Occurred:**

- 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 denials are:**

- 948.45..... Encouraging or contributing to truancy
- 948.63..... Receiving property from a minor (pawn, trade, etc.)
- 948.70..... Tattooing a child

**ONLY FELONY CONVICTIONS UNDER CHAPTER 961 - Uniform Controlled Substances Act**

There are **no** exceptions to denials based on felony convictions under chapter 961.

### **ONLY THE CONVICTIONS LISTED BELOW**

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**THESE SPECIFIC CHAPTER 939 CONVICTIONS CAUSE A DENIAL\***

- 939.62\* ..... Habitual criminality
- 939.621\* ..... Certain domestic abuse crimes
- 939.63\* ..... Use of a dangerous weapon
- 939.645\* ..... Hate crimes
- 939.64, 1999 Statutes\* .....Use of bulletproof garment while committing a felony
- 939.641 1999 Statutes\* .....Concealing identity while ones identity during the committing a crime

\*The listed Chapter 939 convictions are “penalty enhancers” when the violation occurs while committing another crime. The penalty enhancing crime will often be listed along with another crime. If you are relying only on an enhanced penalty crime for the automatic denial, be sure to look closely at the DOJ background check to confirm the conviction includes the enhanced penalty crime, i.e. that the individual was actually convicted of the enhanced penalty crime and not merely charged.