
CAREGIVER BACKGROUND CHECKS

Automatic Denials for Kinship Care

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)

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

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.