

DSHS SECRETARY’S LIST OF CRIMES AND NEGATIVE ACTIONS FOR USE BY CHILDREN’S ADMINISTRATION

<u>Permanent Disqualifying Crimes</u>	<u>5 Year Disqualifying Crimes</u>
<p>The following crimes permanently prohibit an individual from being licensed, contracted, or authorized to have unsupervised access to children.</p> <p>Abandonment of a Dependent Person 1° and 2° Assault 1° (if spouse or child victim) Assault 1° DV and 2° DV (must have DV component) Assault 2° with finding of sexual motivation Assault of a Child 1°, 2°, and 3° Burglary 1° DV and 2° DV (must have DV component) Child Molestation 1°, 2°, and 3° Child Selling/Buying Commercial Sex Abuse of a Minor (Promoting) Communication with a Minor for Immoral Purposes (if prior sex offense) Criminal Mistreatment 1° and 2° Custodial Interference 1° and 2° (if injury to child) Custodial sexual misconduct 1° Dealing in Depictions of Minor engaged in Sexually Explicit Conduct 1° and 2° Drive-by Shooting Endangerment with a Controlled Substance (if child involved) Extortion 1° (if “sexual favors” element is met) Harassment DV (felony) Homicide by Abuse Homicide by Watercraft (if child involved) Incest 1° and 2° Indecent Exposure (if child victim) Indecent Liberties by Forcible Compulsion Indecent Liberties Kidnapping 1° (if child involved) Kidnapping 1° DV and 2° DV (must have DV component) Leading Organized Crime Class B Felony Luring Malicious mischief 1° DV and 2° DV (must have DV component) Manslaughter 1° and 2° Murder 1° and 2° Possession of depictions of minors engaged in sexually explicit conduct 1° and 2° Promoting pornography (if child involved) Promoting prostitution 1° (if child involved) Promoting travel for commercial sexual abuse of a minor Rape 1°, 2°, and 3° Rape of a child 1°, 2°, and 3° Residential burglary DV (must have DV component) Sending, bringing into state depictions of minor engaged in sexually explicit conduct Sexual exploitation of a minor Sexual misconduct with a minor 1° Unlawful imprisonment DV (must have DV component) Vehicular homicide Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct 1° and 2° Voyeurism (if child involved)</p>	<p>The following crimes disqualify an individual from being licensed, contracted, certified, or authorized to have unsupervised access to children for five (5) years from date of disposition.</p> <p>Assault 1° (no spouse or child victim or DV) Assault 2° and 3° Assault in Violation of a Protection Order Controlled Substances Homicide Custodial Assault Malicious harassment (if physical injury involved) Robbery 1° and 2° Unlawful use of building for drug purposes Use of machine gun in felony Vehicular assault Violation of protection, no contact or restraining order Violation of imitation drug act – manufacture, delivery or possession with intent to manufacture or deliver an imitation drug Violation of legend drug act – sale, delivery or possession with intent to sell or deliver without a prescription Violation of the precursor drug act – manufacture, delivery or possession with intent to manufacture or deliver Violation of uniform controlled substances act – manufacture, delivery or possession with intent to manufacture or deliver a CS</p> <p style="text-align: center;"><u>Negative Actions</u></p> <p>Negative Actions must be assessed for character, suitability and competence under individual program law and rule and may lead to denial of unsupervised access to vulnerable adults, juveniles, or children.</p> <p>A negative action is an administrative or civil action taken against an individual which may include, but is not limited to:</p> <ul style="list-style-type: none"> • A finding that an individual abused, neglected, exploited, or abandoned a child or vulnerable adult issued by an agency, an Administrative Law Judge, or a court of law and the individual was given the opportunity to request an administrative hearing to contest the finding • Termination, revocation, suspension, or denial of a license, certification, and/or State or Federal contract • Relinquishment of a license, certification, or contract in lieu of an agency negative action • Revocation, suspension, denial or restriction placed on a professional license • Department of Health disciplining authority finding <p>Refer to policy for specific review process for negative actions.</p>
<u>Crime Status, Other Crimes and Enhancements</u>	
<p>Pending Crime – The department must not license, contract, certify, or authorize a person to have unsupervised access to children if the person has a criminal charge pending for a disqualifying crime described in the adoption and safe families act of 1997, or a criminal charge pending for a disqualifying crime that relates directly to child safety, permanence, or well-being (WAC 388-06-0200).</p> <p>Other crimes and enhancements to consider when assessing an individual’s criminal history are:</p> <ul style="list-style-type: none"> • Bail Jumping – RCW 9A.76.170 - The department must not license, contract, certify, or authorize a person who has a bail jumping crime to have unsupervised access to children unless it is determined that the associated crime is not a crime on this list. • When the crime of attempt, conspiracy, or solicitation appears in conjunction with a crime on this list, it is treated the same as the listed crime: <ul style="list-style-type: none"> ▪ Attempt RCW 9A.28.020 ▪ Conspiracy RCW 9A.28.030 ▪ Solicitation RCW 9A.28.040 <p>Example: Unsupervised access is denied for Attempted Robbery 1° for five years after the date of conviction. Further review and approval is required, per department policy, for unsupervised access after five years.</p> • Sexual Motivation – RCW 9.94A.835 – This is an enhancement to a criminal offense and if the accompanying crime is not on this list, it needs to be assessed for character, suitability and competence. 	