



**SCOPE:**

- A. This policy applies to all DDD contractors, employees of contractors, and volunteers who may have unsupervised access to people with developmental disabilities and who provide services funded by DDD.
- B. Parents who are contracted to provide services to their own children are not subject to background checks.
- C. Background inquiries of applicants for employment with DDD are screened through the DSHS Employee Services Division, pursuant to Personnel Policy 532, *Employment Background Inquiries*.

**DEFINITIONS:**

**"Roll"** means printing the applicant's fingerprints on the Washington State Patrol/FBI identification card provided by DDD.

**"Unsupervised access"** means not in the presence of another person who has a cleared background check.

**"Volunteer"** means any person who will have regularly scheduled unsupervised access to persons who are developmentally disabled during the course of his or her employment or involvement with the business or organization.

**"Vulnerable Adult"** means adults of any age who lack the functional, mental, or physical ability to care for themselves.

**POLICY:**

Individuals who may have unsupervised access to persons with developmental disabilities must complete a criminal history background check. Additionally, individuals who have resided less than three (3) years in this state must be fingerprinted, so that an FBI criminal history records check may be completed. Criminal history background checks must be renewed every three (3) years.

**PROCEDURES**

A. Provider Requirements

1. Providers who may have unsupervised access to clients must complete the Background Inquiry Application, DSHS form 09-653A(X) (Rev. 03/1997) (see Attachment A).
2. Applicants or program administrators must attach to the application a copy of the provider's driver license or an identification card. If a driver's license or identification card is not available, some form of identification with the applicant's legal name and date of birth must be attached to the application.
3. Applicants who have resided less than three (3) years in this state must be fingerprinted by either a local law enforcement agency or a qualified person who has been trained by Washington State Patrol to roll fingerprints.
4. Applicants or program administrators must send the background inquiry application form, identification, and two (2) fingerprint cards to Background Checks, Division of Developmental Disabilities, P.O. Box 45310, Olympia, Washington 98504-5310.
5. Providers must submit a background inquiry application every three (3) years after the initial inquiry has been completed.

B. Criteria for Prohibiting Employment

1. Contractors providing services must not hire an individual who may have unsupervised access to persons with developmental disabilities without completing a background inquiry application form.
2. DDD must disqualify individual contractors, volunteers, or employees of service providers if the inquiry reveals any of the following:
  - a. The individual is listed in the Washington State Patrol's files as having a criminal or civil conviction for child/adult abuse.
  - b. The individual has been convicted within the last seven (7) years of an offense listed in Attachment B of this policy.

- c. The individual has a conviction of simple assault, assault in the fourth degree, or the same offense as it may be renamed, within three (3) years of the date of application for employment.
  - d. The individual has a conviction of prostitution or the same offense as it may be renamed, within three (3) years of the date of application for employment.
  - e. The individual has a conviction of theft in the third degree against a vulnerable adult, or the same offense as it may be renamed, within three (3) years of the date of application for employment.
  - f. The individual has a conviction of theft in the second degree against a vulnerable adult, or the same offense as it may be renamed, within five (5) years of the date of application for employment.
  - g. The individual has a conviction of forgery against a vulnerable adult within five (5) years of the date of application for employment.
  - h. The individual has a conviction from another state that is equivalent to an offense listed in Attachment B.
3. DSHS may disqualify an individual who has been convicted of other offenses, or whose sentence for any offense in Attachment B was more than seven (7) years ago, under the following conditions:
- a. DSHS determines that vulnerable clients would face a significant risk of harm because of the seriousness, recency, kind, or number of offenses; and
  - b. DSHS must not use the conviction as the sole basis for denial to provide care, unless the conviction is directly related to the employment or authorization being sought.
4. DSHS must withhold authorization for an individual to have unsupervised access to people with developmental disabilities if the inquiry reveals pending charge(s) for an offense listed in Attachment B. Authorization must be withheld until dismissal or acquittal of the pending charge(s).

C. Noncompliance

Failure of providers/contractors to adhere to this policy will constitute a breach of contract.

D. Access to Forms

Service providers, contractors, or contract applicants may obtain the Background Inquiry Application, DSHS form 09-653A(X)) (Rev. 03/1997), from DDD regional offices or outstations.

E. Access to Information

1. DDD will provide the results of the background inquiries to applicants within fourteen (14) working days, except for FBI inquiries which may take as long as six (6) weeks.
2. DDD will notify applicants of the reasons for delays.
3. Copies of disqualifying letters will be sent to the appropriate DDD regional office.

**EXCEPTIONS:**

Any exception to this policy must be allowable by law and approved in writing by the division director.

**SUPERSESSSION**

Division Policy: 5.01  
Issued June 14, 1993

Approved: /s/ Timothy N. Brown  
Director, Division of Developmental Disabilities

Date: 1/5/99

LIST OF DISQUALIFYING OFFENSES  
Pursuant to RCW 43.43.830

1. Aggravated murder
2. First degree murder
3. Second degree murder
4. First degree manslaughter
5. Second degree manslaughter
6. Vehicular homicide
7. First degree kidnapping
8. Second degree kidnapping
9. First degree assault
10. Second degree assault
11. Third degree assault
12. Fourth degree assault
13. Simple assault
14. Custodial assault
15. First degree assault of a child
16. Second degree assault of a child
17. Third degree assault of a child
18. First degree rape
19. Second degree rape
20. Third degree rape
21. First degree rape of a child
22. Second degree rape of a child
23. Third degree rape of a child
24. Indecent liberties
25. Felony indecent exposure
26. Incest
27. First degree arson
28. Second degree arson
29. Third degree arson
30. Residential burglary
31. First degree robbery
32. Second degree robbery
33. First degree extortion
34. Second degree extortion
35. Third degree extortion\*
36. First degree theft\*
37. Second degree theft\*
38. Third degree theft\*
39. Forgery\*
40. First degree promoting prostitution
41. Communication with a minor
42. Unlawful imprisonment
43. Sexual exploitation of minors
44. First degree criminal mistreatment
45. Second degree criminal mistreatment
46. Child abuse or neglect as defined in RCW 26.44.020
47. First degree custodial interference
48. Second degree custodial interference
49. Malicious harassment
50. First degree child molestation
51. Second degree child molestation
52. Third degree child molestation
53. First degree sexual misconduct with a minor
54. Second degree sexual misconduct with a minor
55. Patronizing a juvenile prostitute
56. Child abandonment
57. Promoting pornography
58. Selling or distributing erotic material to a minor
59. Violation of a child abuse restraining order
60. Child buying or selling
61. Prostitution

\*This is a disqualifying offense only if the victim was a vulnerable adult.

Or any of these crimes as they may be renamed in the future.

**CRIMES RELATING TO FINANCIAL EXPLOITATION (RCW 43.43.830)**

- Extortion 1<sup>st</sup> degree
- Extortion 2<sup>nd</sup> degree
- Extortion 3<sup>rd</sup> degree
- Forgery ( if conviction is less than 5 years)
- Theft 1<sup>st</sup> degree
- Theft 2<sup>nd</sup> degree( if conviction is less than 5 years)
- Theft 3<sup>rd</sup> degree( if conviction is less than 3 years)

**OTHER**

- Subject to an order of protection under RCW 74.34 regarding abuse or financial exploitation of a vulnerable adult.
- Subject of a final decision issued by a disciplinary board or director of the department who issues professional license or certification