



March 13, 2024

**Family, Children and Adult Services Manual Transmittal Letter No. 538**

**TO:** Family, Children and Adult Services Manual Holders

**FROM:** Matt Damschroder, Director

**SUBJECT:** Amendments to Children Services Licensing OAC Rules in Chapter 5101:2-5 and 5101:2-7

This letter transmits amendments to two Ohio Administrative Code (OAC) rules, one rescinded rule and one new rule regarding foster care licensing as a result of the passage of HB 33 of the 134<sup>th</sup> General Assembly and for the five-year review. These rules will be effective April 1, 2024.

The following is a brief summary of the changes:

All rules have been amended to remove regulatory restrictive words as described in SB 9 of the 135<sup>th</sup> General Assembly.

OAC 5101:2-5-09 entitled **Personnel and prohibited convictions for employment** provides guidance to agencies on the process for completing background checks for agency employees. The rule was amended to remove all background check requirement language. Specifically, paragraphs G through U were removed. This language was moved to rule 5101:2-5-09.1. Appendix A was removed and moved to rule 5101:2-5-09.1. No other significant changes were made.

OAC 5101:2-5-09.1 entitled **Criminal records required for certain prospective employees and certified foster caregivers** was rescinded and given a new title **Criminal and background checks for college interns, subcontractors, volunteers, employees, board presidents, administrators, and foster caregivers**. This is a new rule that consolidates all background check requirements into one location to make it easier for agencies to locate. Appendix A was added which is the former appendix A for rule 5101:2-7-02. Appendix B was added which is the former appendix A for rule 5101:2-5-09. Appendix C was added that lists the rehabilitation criteria for foster caregivers and Appendix D that lists the rehabilitation criteria for agency employees. New criminal codes were added to appendix A and B to align with statutory changes in HB 33 of the 135<sup>th</sup> General Assembly.

OAC 5101:2-7-02 entitled **General requirements for foster caregivers and applicants** provides guidance to agencies on all criteria a foster care applicant must meet to be certified. The rule was amended to remove all background check requirement language.



Specifically, paragraphs J, K, L, M, O, P Q and R were removed. This language was moved to rule 5101:2-5-09.1. Appendix A was removed and moved to rule 5101:2-5-09.1. No other significant changes were made.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Service Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Foster Care Licensing	5101:2-5-09	5101:2-5-09
	5101:2-5-09.1	5101:2-5-09.1
	5101:2-7-02	5101:2-7-02
Transmittal Letters		FCASMTL No. 538

5101:2-5-09

**Personnel ~~and prohibited convictions~~ for employment requirements.**

(A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, ~~shall~~is to have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.

~~(B) Prior to hire, an agency shall obtain, from persons not related to the subject of reference, at least three written references or written notes on verbal references regarding prospective college interns, volunteers, and employees who will have direct contact with children.~~

~~(C)~~(B) An agency ~~shall~~is to hire qualified employees to provide the services which it is certified to provide.

(1) The person employed as the administrator of the agency ~~shall~~is to possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.

(2) An agency ~~shall~~is to assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.

(3) Persons employed in positions responsible for the daily direct care or supervision of children ~~shall~~is to be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons ~~shall~~is to have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.

~~(D)~~(C) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph ~~(C)~~(B) of this rule, such employee ~~shall~~is to meet those qualifications which are the most rigorous among the competing criteria.

~~(E)~~(D) A residential facility ~~shall~~is to require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any ~~person~~child care staff who will have direct contact with children.

~~(F)~~(E) An agency ~~shall~~is to, at its own discretion or at the request of the Ohio department of job and family services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified

professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.

~~(G) Pursuant to section 5103.037 of the Revised Code, prior to hiring or appointing a person as board president, administrator or officer, an agency is to:~~

~~(1) Conduct an alleged perpetrator search as described in paragraph (P) of this rule. The process can be found at: <http://jfs.ohio.gov/ocf/childprotectiveservices.stm>.~~

~~(2) Request a certified search of the findings for recovery database. The website is located at: <http://ffr.ohioauditor.gov/>.~~

~~(3) Conduct a database review at the federal website known as the system for award management. The website is located at: <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>.~~

~~(4) Conduct a search of the United States department of justice national sex offender public website. The website is located at: <https://www.nsopw.gov/>.~~

~~(5) Create a file for each board president, administrator or officer to house the information required in this paragraph.~~

~~(H) The agency may refuse to hire or appoint a person as a board president, administrator or officer as follows:~~

~~(1) Based solely on the findings of the summary report as described in paragraph (G)(1) of this rule or the results of the search described in paragraph (G)(4) of this rule.~~

~~(2) Based on the results of the certified search or database review as described in paragraphs (G)(2) and (G)(3) of this rule.~~

~~(I) An agency shall document that any person hired after October 29, 1993 as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule except as provided in paragraph (J) of this rule.~~

~~(J) Unless specifically prohibited in appendix A to this rule, a prospective employee convicted of or who has pleaded guilty to an offense listed in appendix A to this rule may be hired by an agency as an administrator, child care staff or caseworker, or~~

~~in any other position responsible for a child's care in out-of-home care only if the following rehabilitative criteria has been met:~~

- ~~(1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.~~
- ~~(2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.~~
- ~~(3) The victim of the offense was not one of the following:
  - ~~(a) A person under the age of eighteen or person sixty years of age or older.~~
  - ~~(b) A functionally impaired person as defined in section 2903.10 of the Revised Code.~~
  - ~~(c) An intellectually disabled person as defined in section 5123.01 of the Revised Code.~~
  - ~~(d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.~~
  - ~~(e) A person with a mental illness as defined in section 5122.01 of the Revised Code.~~~~
- ~~(4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining whether to hire the prospective employee:
  - ~~(a) The person's age at the time of the offense.~~
  - ~~(b) The nature and seriousness of the offense.~~
  - ~~(c) The circumstances under which the offense was committed.~~
  - ~~(d) The degree to which the person participated in the offense.~~
  - ~~(e) The time elapsed since the person was fully discharged from imprisonment or probation.~~~~

- ~~(f) The likelihood that the circumstances leading to the offense will recur.~~
- ~~(g) Whether the person is a repeat offender.~~
- ~~(h) The person's employment record.~~
- ~~(i) The person's efforts at rehabilitation and the results of those efforts.~~
- ~~(j) Whether any criminal proceedings are pending against the person.~~
- ~~(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (K)(1) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.~~
- ~~(l) Any others factors the agency considers relevant.~~

~~(K) Except as provided in paragraph (J) of this rule, an agency shall not, as of October 29, 1993, hire a prospective employee as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home-care if the person has been convicted of or pleaded guilty to any of the following:~~

- ~~(1) Any offense listed in appendix A to this rule.~~
- ~~(2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, a violation of section 4511.19 of the Revised Code if the person previously was convicted of or plead guilty to two or more violations within the three years immediately preceding the current violation, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code.~~
- ~~(3) A violation of an existing or former law of this state or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.~~

~~(L) It is the prospective employee's duty to provide written verification that the conditions specified in paragraph (J) of this rule are met. If the prospective employee fails to provide such proof or if the agency determines that the proof offered by the prospective employee is inconclusive or insufficient, the person shall not be hired. Any doubt shall be resolved in favor of protecting the children the agency serves.~~

- ~~(M)(F)~~ To determine whether a prospective employee is qualified to be hired pursuant to paragraph (K) of this rule, a criminal records check all required background checks shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative Code.
- ~~(N)~~ The provisions of paragraph (J) of this rule must be considered for any prospective employee who has been convicted of, or pleaded guilty to, one or more of the offenses listed in appendix A to this rule even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care of children who may be entrusted to the person's care.
- ~~(O)~~ A conviction of, or plea of guilty to, an offense listed in appendix A to this rule shall not prevent a prospective employee's hire if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- ~~(P)~~ If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency is to complete an alleged perpetrator search of abuse and neglect report history through the system for each prospective employee. The search is to also be obtained for each subcontractor, intern, or volunteer at a residential facility and for each subcontractor, intern, or volunteer who has access to children at an agency that is not a residential facility. If the agency does not have the ability to complete the search in SACWIS, the agency is to obtain a search of the system from ODJFS for each employee and prospective employee.
- ~~(1)~~ The agency is to obtain a check of the child abuse and neglect registry of any other state a prospective employee has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code. The process can be found at: <http://centerforchildwelfare.fmhi.usf.edu/ChildProtective/AdamWalsh.pdf>.
- ~~(2)~~ A report with the results of the search is to be placed in the individual's record.
- ~~(3)~~ This report is to be used to determine the suitability of the individual to provide care to children.
- ~~(Q)~~ An agency is to obtain a search of the United States department of justice national sex offender public website for each employee and prospective employee. The search is to also be obtained for each subcontractor, intern, or volunteer at a residential facility and for each subcontractor, intern, or volunteer who has access to children

~~at an agency that is not a residential facility. The website is located at: <https://www.nsopw.gov/>.~~

~~(1) A report with the results of the search is to be placed in the individual's record.~~

~~(2) This report is to be used to determine the suitability of the individual to provide care to children.~~

~~(R) If, at the time of the effective date of this rule, the agency has not obtained a report required under paragraphs (P) and (Q) of this rule for the person, subcontractor, intern, or volunteer currently working at the agency, the agency is to obtain the report.~~

~~(S) An agency may refuse to hire a prospective employee, intern or subcontractor and may refuse volunteer services from an individual based solely on the findings of the summary report described in paragraph (P) of this rule or the results of the search described in paragraph (Q) of this rule.~~

~~(T) An individual is not eligible for employment or approval as an intern, subcontractor, volunteer, employee, board president, administrator or officer in a residential setting if either of the following is true:~~

~~(1) The individual's alleged perpetrator results show a finding of substantiated abuse or neglect within the past ten years.~~

~~(2) The individual is listed on the national sex offender public website.~~

~~(U)~~(G) An agency ~~shall~~is to have a separate personnel file for each employee which ~~shall~~is to include at a minimum:

(1) The employee's application for employment.

~~(2) Copies of references.~~

~~(3)~~(2) A copy of the employee's current job description.

~~(4)~~(3) A copy of each job evaluation performed.

~~(5)~~(4) A copy of all medical records obtained.

~~(6)~~(5) Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint, if applicable.

~~(7)~~(6) Copies of all professional credentials, licenses or certifications related to the position of employment.



- ~~(8)~~(7) Copies of all disciplinary actions involving the employee.
- ~~(9)~~(8) The employee's date of hire and termination if applicable.
- ~~(10)~~(9) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records check results required by rule 5101:2-5-09.1 of the Administrative Code and, if applicable, documentation that the rehabilitation requirements ~~of paragraph (J) of this rule~~ have been met.
- ~~(11)~~(10) Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense.
- ~~(12)~~(11) Copies of all educational degrees, diplomas or equivalency certificates.
- ~~(13)~~(12) Copies showing proof of a valid driver's license and current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.
- ~~(V)~~(H) Personnel files for each employee shall be maintained for at least five years after the date of employment ends.
- ~~(W)~~(I) Nothing in this rule shall apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.

Effective: 4/1/2024

Five Year Review (FYR) Dates: 11/28/2023 and 04/01/2029

CERTIFIED ELECTRONICALLY

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Certification

03/11/2024

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Date

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.),  
10/01/1990, 01/01/1991, 09/18/1996, 05/01/1998,  
07/01/2000, 08/22/2005, 08/14/2008, 12/01/2010,  
09/01/2015, 06/15/2020, 11/15/2021

5101:2-5-09.1

**Background checks for college interns, subcontractors, volunteers, employees, board presidents, officers, administrators and foster caregivers.**

(A) Types of background checks:

- (1) Bureau of criminal investigation (BCI) records pursuant to section 2151.86 of the Revised Code.
- (2) Federal bureau of investigation (FBI) records pursuant to section 2151.86 of the Revised Code. This check is to be completed for all initial checks and optional thereafter.
- (3) National sex offender registry. The website is located at: <https://www.nsopw.gov/>.
- (4) Ohio statewide automated child welfare information system (Ohio SACWIS) records for alleged perpetrator.

(B) If an individual previously resided in a state other than Ohio:

- (1) The agency is to contact any states in which the individual resided in the previous five years to request the information specified in paragraph (A) of this rule.
- (2) Any information received from other states will be reviewed and considered by the agency as part of the background check review.

(C) Background checks are to be completed for the following:

- (1) An employee of a private child placing agency (PCPA), private noncustodial agency (PNA) or a local public entity (LPE).
- (2) A board president, administrator or officer of a PCPA, PNA or LPE.
- (3) Staff of a residential center operated by a public children services agency (PCSA).
- (4) A college intern, subcontractor or volunteer.
- (5) A foster care applicant or caregiver.
- (6) All household members eighteen years of age or older in a foster care applicant or caregiver's home.

(D) A PCPA, PNA, residential center operated by a PCSA or LPE is to also conduct a background check of the following for each board president, administrator or officer:

- (1) A certified search of the findings for recovery database. The website is located at: <http://ffr.ohioauditor.gov/>.
  - (2) A database review at the federal website known as the system for award management. The website is located at: <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>.
- (E) The agency may refuse to hire or appoint a person as a board president, administrator or officer as follows:
- (1) Based solely on the findings of the summary report as described in paragraph (A)(5) of this rule or the results of the search described in paragraph (A)(3) or (A)(4) of this rule.
  - (2) Based on the results of the certified search or database review as described in paragraphs (C)(1) and (C)(2) of this rule.
- (F) Timeframes for completion of background checks.
- (1) For BCI and FBI records:

    - (a) At application for a foster caregiver and household members.
    - (b) Prior to the first day of employment for board president, administrator, officer or prospective employees of a PCPA, PNA or LPE.
    - (c) Prior to the first day of work for a college intern, subcontractor or volunteer.
    - (d) Every four years from the completed date of the most recent BCI records check for:

      - (i) A foster caregiver, or adult household member in a foster caregiver's home.
      - (ii) A college intern, subcontractor or volunteer.
      - (iii) A board president, administrator, officer, or employee of a PCPA, PNA, residential center operated by a PCSA or LPE.
    - (e) For a minor household member in a foster caregiver's home, within thirty days from when the minor turns eighteen years old and every four years thereafter. The agency may conduct a check sooner than four years after the initial check in order to align the timeframe with the other household members.

(2) For all background checks other than BCI or FBI:

- (a) For a foster caregiver and household members, at application and every four years thereafter.
- (b) Prior to the first day of employment for board president, administrator, officer or prospective employees of a PCPA, PNA, residential center operated by a LPE.
- (c) Prior to the first day of work for a college intern, subcontractor or volunteer.

(G) Process for obtaining a criminal background check. The agency is to:

- (1) Submit fingerprints manually or electronically according to the process established by BCI. Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.
- (2) Pay to BCI the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted.
- (3) The agency may charge a person subject to a criminal records check, a fee for the costs incurred in obtaining a criminal records check. Pursuant to division (D) of section 2151.86 of the Revised Code, a fee charged by the agency is not to exceed the fee paid by the agency to BCI. If a fee is charged, the agency is to notify the person at the time of initial application of the amount of the fee and that, unless the fee is paid, the person will not be considered for appointment, employment or certification as a foster caregiver.

(H) If an individual fails to complete the full background check determination process:

- (1) The foster care applicant is to be denied certification pursuant to rule 5101:2-5-26 of the Administrative Code.
- (2) The foster caregiver certification is to be revoked pursuant to rule 5101:2-5-26 of the Administrative Code.
- (3) The intern, volunteer, subcontractor, employee, board president, administrator or officer of a residential center operated by a PCSA, PCPA, PNA or LPE is to be denied a position with the agency.

(I) An individual will be ineligible to be a foster caregiver with any agency, or a college intern, subcontractor, volunteer, employee, board president or administrator of a

PCPA, PNA, residential center operated by a PCSA or LPE if any of the following are applicable:

(1) A conviction or guilty plea to an offense listed in division (A)(4) of section 109.572 of the Revised Code, unless the individual meets the rehabilitation criteria in appendix A of this rule for a foster care applicant, a foster caregiver and household members of a foster care applicant or foster caregiver's home or appendix B of this rule for a college intern, subcontractor, volunteer, employee, board president or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE.

(a) Section 109.572 of the Revised Code specifies that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.

(b) A conviction of or a plea of guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code is not prohibitive if the individual has been granted an unconditional pardon for the offense pursuant to Chapter 2967 of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon to which all conditions have been performed or have transpired.

(2) Being registered or obligated to be registered on the national or state sex offender registry or repository.

(J) Ohio SACWIS alleged perpetrator search.

(1) For any college intern, subcontractor, volunteer, employee, board president or administrator of a PCPA, PNA, or residential center operated by a PCSA or LPE, the agency is to conduct an alleged perpetrator search pursuant to section 5103.0310 of the Revised Code. The individual is ineligible if:

(a) They have a substantiated finding within the last ten years.

(b) They have had a child removed from their home in the last ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by that specific person.

(c) While employed or working, they are identified in Ohio SACWIS as the perpetrator for a substantiated finding of child abuse or neglect.

(2) For any foster caregiver applicant, foster caregiver or any adult household member of an applicant's or caregiver's household, the agency is to conduct an alleged perpetrator search pursuant to section 5103.18 of the Revised Code.

(K) The recommending agency is to evaluate if the foster home should continue to be recommended for certification or be recommended for denial or revocation of certification when a person who is certified as a foster caregiver, or is a household member in a certified caregiver's home is convicted of any offense listed in appendix A of this rule.

(1) The evaluation is to begin within five days of the agency's knowledge of the person's conviction, be completed within thirty days, and be documented in the foster home's record.

(2) At a minimum, the provisions of paragraph (L) of this rule is to be considered in the evaluation.

(3) This requirement is also to be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in appendix A of this rule.

(L) The evaluation specified by paragraph (K) of this rule is to include, at a minimum:

(1) Whether there are children currently placed in the foster home and the impact of disruption on the children if moved.

(2) Whether rehabilitation of the individual had to be considered for initial certification.

(3) The length of time of certification prior to this conviction.

(4) The factors outlined in appendix C of this rule.

(M) Rehabilitation criteria for criminal offenses. Unless specifically disqualified in appendix A or appendix B to this rule:

(1) A foster caregiver or an adult resident of the foster caregiver's household is to meet all of the rehabilitation conditions in appendix C of this rule.

(2) An employee, board president or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE is to meet all of the rehabilitation conditions in appendix D of this rule.

(N) It is the individual's duty to provide written verification that the rehabilitation criteria specified in paragraph (L) of this rule are met. If the individual fails to provide proof

or if the agency determines that the proof offered by the individual is inconclusive or insufficient, the person is not to be certified as a foster caregiver or hired by the agency. Any doubt is to be resolved in favor of protecting the children the agency serves.



Replaces: 5101:2-5-09.1  
Effective: 4/1/2024  
Five Year Review (FYR) Dates: 04/01/2029

CERTIFIED ELECTRONICALLY

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Certification

03/11/2024

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Date

Promulgated Under: 119.03  
Statutory Authority: 2151.86, 5103.03, 5103.0310, 5103.037, 5103.18  
Rule Amplifies: 109.572, 2151.86 , 5103.0310, 5153.11, 5153.111  
Prior Effective Dates: 09/18/1996, 01/01/2003, 08/14/2008, 04/01/2010,  
10/01/2011, 07/07/2014, 03/01/2017, 06/15/2020

<u>Non-rehabilitative misdemeanor and felony offenses.</u>			
<u>ORC</u>	<u>Offense</u>	<u>Misdemeanor</u>	<u>Felony</u>
<a href="#"><u>2903.01</u></a>	<a href="#"><u>Aggravated murder</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.02</u></a>	<a href="#"><u>Murder</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.03</u></a>	<a href="#"><u>Voluntary manslaughter</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.04</u></a>	<a href="#"><u>Involuntary manslaughter</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.041</u></a>	<a href="#"><u>Reckless homicide</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.06</u></a>	<a href="#"><u>Aggravated Vehicular Homicide</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>
<a href="#"><u>2903.15</u></a>	<a href="#"><u>Permitting child abuse</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved</u></a>

## DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#">2903.32</a>	<a href="#">Female genital mutilation</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved .</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved .</a>
<a href="#">2905.05</a>	<a href="#">Criminal child enticement</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved .</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved .</a>
<a href="#">2905.32</a>	<a href="#">Trafficking in persons</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.02</a>	<a href="#">Rape</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.03</a>	<a href="#">Sexual battery</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.04</a>	<a href="#">Unlawful sexual conduct with a minor</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.05</a>	<a href="#">Gross sexual imposition</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.12</a>	<a href="#">Felonious sexual penetration (as this former section of law existed)</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>

## DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#">2907.19</a>	<a href="#">Commercial sexual exploitation of a minor</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.21</a>	<a href="#">Compelling prostitution</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.31</a>	<a href="#">Disseminating matter harmful to juveniles</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.321</a>	<a href="#">Pandering obscenity involving a minor</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.322</a>	<a href="#">Pandering sexually oriented matter involving a minor</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2907.323</a>	<a href="#">Illegal use of a minor in nudity-oriented material or performance</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.10</a>	<a href="#">Abortion related to finding of down syndrome</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.12</a>	<a href="#">Unlawful abortion</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>

## DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#">2919.121</a>	<a href="#">Unlawful abortion upon a minor</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.123</a>	<a href="#">Unlawful distribution of an abortion-inducing drug</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.124</a>	<a href="#">Unlawful performance of a drug induced abortion</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.13</a>	<a href="#">Abortion manslaughter; failure to render medical care to an infant born alive</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.15</a>	<a href="#">Dismemberment abortion</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.151</a>	<a href="#">Partial birth feticide</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.17</a>	<a href="#">Terminating or attempting to terminate human pregnancy after viability</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.193</a>	<a href="#">Determination of detectable fetal heartbeat</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>

## DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#">2919.194</a>	<a href="#">Procedures after detection of fetal heartbeat</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.195</a>	<a href="#">Performance of abortion after detection of fetal heartbeat</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.201</a>	<a href="#">Abortion after gestational age of 20 weeks</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.22</a>	<a href="#">Endangering children</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>
<a href="#">2919.25</a>	<a href="#">Domestic violence</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>	<a href="#">Non-rehabilitation offense - caregiver cannot be approved</a>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<u>Non-rehabilitative offense if felony conviction occurred within the last five years. Felony convictions after five years and misdemeanor offenses must be evaluated using the rehabilitative criteria in paragraph in Appendix C of this rule but are not automatically disqualifying.</u>			
<u>ORC</u>	<u>Offense</u>	<u>Misdemeanor</u>	<u>Felony</u>
<u>2903.08</u>	<u>Aggravated Vehicular Assault;</u> <u>Vehicular Assault</u>	√	<u>Non-</u> <u>rehabilitation</u> <u>offense -</u> <u>caregiver</u> <u>cannot be</u> <u>approved if</u> <u>conviction</u> <u>occurred within</u> <u>the last five</u> <u>years</u>
<u>2903.11</u>	<u>Felonious assault</u>	√	<u>Non-</u> <u>rehabilitation</u> <u>offense -</u> <u>caregiver</u> <u>cannot be</u> <u>approved if</u> <u>conviction</u> <u>occurred within</u> <u>the last five</u> <u>years</u>
<u>2903.12</u>	<u>Aggravated assault</u>	√	<u>Non-</u> <u>rehabilitation</u> <u>offense -</u> <u>caregiver</u> <u>cannot be</u> <u>approved if</u> <u>conviction</u> <u>occurred within</u> <u>the last five</u> <u>years</u>
<u>2903.13</u>	<u>Assault</u>	√	<u>Non-</u> <u>rehabilitation</u> <u>offense -</u> <u>caregiver</u> <u>cannot be</u> <u>approved if</u> <u>conviction</u> <u>occurred within</u> <u>the last five</u> <u>years</u>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#"><u>2925.02</u></a>	<a href="#"><u>Corrupting another with drugs</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.03</u></a>	<a href="#"><u>Trafficking, aggravated trafficking in drugs</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.04</u></a>	<a href="#"><u>Illegal manufacture of drugs or cultivation of marijuana</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.041</u></a>	<a href="#"><u>Illegal assembly or possession of chemicals for manufacture of drugs</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>



DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#"><u>2925.05</u></a>	<a href="#"><u>Funding of drug or marijuana trafficking</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.06</u></a>	<a href="#"><u>Illegal administration or distribution of anabolic steroids</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.11</u></a>	<a href="#"><u>Possession of controlled substances</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.13</u></a>	<a href="#"><u>Permitting drug abuse</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<a href="#"><u>2925.22</u></a>	<a href="#"><u>Deception to obtain a dangerous drug</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.23</u></a>	<a href="#"><u>Illegal processing of drug documents</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.24</u></a>	<a href="#"><u>Tampering with drugs</u></a>	√	<a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a>
<a href="#"><u>2925.31</u></a>	<a href="#"><u>Abusing harmful intoxicants</u></a>	√	<a href="#"><u>Non-rehabilitation offense - Caregiver cannot be approved if conviction occurred within the last five years</u></a>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<p><a href="#"><u>2925.32</u></a></p>	<p><a href="#"><u>Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide</u></a></p>	<p>√</p>	<p><a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a></p>
<p><a href="#"><u>2925.36</u></a></p>	<p><a href="#"><u>Illegal dispensing of drug samples</u></a></p>	<p>√</p>	<p><a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a></p>
<p><a href="#"><u>2925.37</u></a></p>	<p><a href="#"><u>Counterfeit controlled substance offenses</u></a></p>	<p>√</p>	<p><a href="#"><u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u></a></p>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<b>All other offenses that must be evaluated using the rehabilitative criteria in Appendix C of this rule.</b>			
<b>ORC</b>	<b>Offense</b>	<b>Misdemeanor</b>	<b>Felony</b>
<a href="#">959.13</a>	<a href="#">Cruelty to animals</a>	√	√
<a href="#">2151.421</a>	<a href="#">Reporting child abuse or neglect</a>	√	√
<a href="#">2903.16</a>	<a href="#">Failing to provide for a functionally impaired person</a>	√	√
<a href="#">2903.21</a>	<a href="#">Aggravated menacing</a>	√	√
<a href="#">2903.211</a>	<a href="#">Menacing by stalking</a>	√	√
<a href="#">2903.22</a>	<a href="#">Menacing</a>	√	√
<a href="#">2903.34</a>	<a href="#">Patient abuse, neglect</a>	√	√
<a href="#">2905.01</a>	<a href="#">Kidnapping</a>	√	√
<a href="#">2905.02</a>	<a href="#">Abduction</a>	√	√
<a href="#">2905.11</a>	<a href="#">Extortion</a>	√	√
<a href="#">2907.06</a>	<a href="#">Sexual imposition</a>	√	√
<a href="#">2907.07</a>	<a href="#">Importuning</a>	√	√
<a href="#">2907.08</a>	<a href="#">Voyeurism</a>	√	√
<a href="#">2907.09</a>	<a href="#">Public indecency</a>	√	√
<a href="#">2907.22</a>	<a href="#">Promoting prostitution</a>	√	√
<a href="#">2907.23</a>	<a href="#">Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another</a>	√	√
<a href="#">2907.25</a>	<a href="#">Prostitution – after positive HIV test</a>	√	√
<a href="#">2907.32</a>	<a href="#">Pandering obscenity</a>	√	√
<a href="#">2909.02</a>	<a href="#">Aggravated arson</a>	√	√
<a href="#">2909.03</a>	<a href="#">Arson</a>	√	√
<a href="#">2909.22</a>	<a href="#">Soliciting or providing support for act of terrorism</a>	√	√
<a href="#">2909.23</a>	<a href="#">Making terroristic threat</a>	√	√
<a href="#">2909.24</a>	<a href="#">Terrorism</a>	√	√
<a href="#">2911.01</a>	<a href="#">Aggravated robbery</a>	√	√
<a href="#">2911.02</a>	<a href="#">Robbery</a>	√	√
<a href="#">2911.11</a>	<a href="#">Aggravated burglary</a>	√	√
<a href="#">2911.12</a>	<a href="#">Burglary</a>	√	√
<a href="#">2913.49</a>	<a href="#">Identity Fraud</a>	√	√
<a href="#">2917.01</a>	<a href="#">Inciting to violence</a>	√	√
<a href="#">2917.02</a>	<a href="#">Aggravated riot</a>	√	√
<a href="#">2919.21</a>	<a href="#">Nonsupport or contributing to nonsupport of dependents</a>	√	√
<a href="#">2919.23</a>	<a href="#">Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)</a>	√	√
<a href="#">2919.24</a>	<a href="#">Contributing to unruliness or delinquency of a child</a>	√	√
<a href="#">2919.27</a>	<a href="#">Violating protection order</a>	√	√

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

			<u>If special circumstances exist, as described in 2919.27(B)(3) or (4)</u>
<u>2923.12</u>	<u>Carrying concealed weapons</u>	<u>√</u>	<u>√</u>
<u>2923.13</u>	<u>Having weapons while under disability</u>	<u>√</u>	<u>√</u>
<u>2923.161</u>	<u>Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function</u>	<u>√</u>	<u>√</u>
<u>2923.17</u>	<u>Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives</u>	<u>√</u>	<u>√</u>
<u>2923.21</u>	<u>Improperly furnishing firearms to minor</u>	<u>√</u>	<u>√</u>
<u>2923.42</u>	<u>Participating in criminal gang</u>	<u>√</u>	<u>√</u>
<u>2927.12</u>	<u>Ethnic intimidation</u>	<u>√</u>	<u>√</u>
<u>3716.11</u>	<u>Placing harmful objects in food or confection</u>	<u>√</u>	<u>√</u>
<u>4511.19</u>	<u>Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC</u>	<u>√</u> <u>Only a disqualifying offense if two or more violations have been committed within the past 3 years</u>	<u>√</u> <u>Only a disqualifying offense if two or more violations have been committed within the past 3 years</u>
<u>A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in this appendix.</u>			

Appendix  
 DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
 EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

<u>Non-rehabilitative misdemeanor and felony offenses.</u>			
<u>ORC</u>	<u>Offense</u>	<u>Misdemeanor</u>	<u>Felony</u>
<a href="#"><u>2903.01</u></a>	<a href="#"><u>Aggravated murder</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.02</u></a>	<a href="#"><u>Murder</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.03</u></a>	<a href="#"><u>Voluntary manslaughter</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.04</u></a>	<a href="#"><u>Involuntary manslaughter</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.041</u></a>	<a href="#"><u>Reckless homicide</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.06</u></a>	<a href="#"><u>Aggravated Vehicular Homicide</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2903.15</u></a>	<a href="#"><u>Permitting child abuse</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>

DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

<a href="#"><u>2903.32</u></a>	<a href="#"><u>Female genital mutilation</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2905.05</u></a>	<a href="#"><u>Criminal child enticement</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2905.32</u></a>	<a href="#"><u>Trafficking in persons</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.02</u></a>	<a href="#"><u>Rape</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.03</u></a>	<a href="#"><u>Sexual battery</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.04</u></a>	<a href="#"><u>Unlawful sexual conduct with a minor</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.05</u></a>	<a href="#"><u>Gross sexual imposition</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.12</u></a>	<a href="#"><u>Felonious sexual penetration (as this former section of law existed)</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>

DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

<a href="#"><u>2907.19</u></a>	<a href="#"><u>Commercial sexual exploitation of a minor</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.21</u></a>	<a href="#"><u>Compelling prostitution</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.31</u></a>	<a href="#"><u>Disseminating matter harmful to juveniles</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.321</u></a>	<a href="#"><u>Pandering obscenity involving a minor</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.322</u></a>	<a href="#"><u>Pandering sexually oriented matter involving a minor</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2907.323</u></a>	<a href="#"><u>Illegal use of a minor in nudity-oriented material or performance</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.10</u></a>	<a href="#"><u>Abortion related to finding of down syndrome</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.12</u></a>	<a href="#"><u>Unlawful abortion</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>



DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

<a href="#"><u>2919.121</u></a>	<a href="#"><u>Unlawful abortion upon a minor</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.123</u></a>	<a href="#"><u>Unlawful distribution of an abortion-inducing drug</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.124</u></a>	<a href="#"><u>Unlawful performance of a drug induced abortion</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.13</u></a>	<a href="#"><u>Abortion manslaughter; failure to render medical care to an infant born alive</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.15</u></a>	<a href="#"><u>Dismemberment abortion</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.151</u></a>	<a href="#"><u>Partial birth feticide</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.17</u></a>	<a href="#"><u>Terminating or attempting to terminate human pregnancy after viability</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>
<a href="#"><u>2919.193</u></a>	<a href="#"><u>Determination of detectable fetal heartbeat</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>	<a href="#"><u>Non-rehabilitation offense - cannot be approved</u></a>

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<a href="#">2919.194</a>	<a href="#">Procedures after detection of fetal heartbeat</a>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>
<a href="#">2919.195</a>	<a href="#">Performance of abortion after detection of fetal heartbeat</a>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>
<a href="#">2919.201</a>	<a href="#">Abortion after gestational age of 20 weeks</a>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>
<a href="#">2919.22</a>	<a href="#">Endangering children</a>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>
<a href="#">2919.25</a>	<a href="#">Domestic violence</a>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>	<b><u>Non-rehabilitation offense - cannot be approved</u></b>

<b><u>Offenses that must be evaluated using the rehabilitation criteria in rule 5101:2-5-09.</u></b>			
<b><u>ORC</u></b>	<b><u>Offense</u></b>	<b><u>Misdemeanor</u></b>	<b><u>Felony</u></b>
<a href="#">959.13</a>	<a href="#">Cruelty to animals</a>	<u>√</u>	<u>√</u>
<a href="#">2903.08</a>	<a href="#">Aggravated Vehicular Assault; Vehicular Assault</a>	<u>√</u>	<u>√</u>
<a href="#">2903.11</a>	<a href="#">Felony assault</a>	<u>√</u>	<u>√</u>
<a href="#">2903.12</a>	<a href="#">Aggravated assault</a>	<u>√</u>	<u>√</u>
<a href="#">2903.13</a>	<a href="#">Assault</a>	<u>√</u>	<u>√</u>
<a href="#">2903.16</a>	<a href="#">Failing to provide for a functionally impaired person</a>	<u>√</u>	<u>√</u>
<a href="#">2903.21</a>	<a href="#">Aggravated menacing</a>	<u>√</u>	<u>√</u>
<a href="#">2903.211</a>	<a href="#">Menacing by stalking</a>	<u>√</u>	<u>√</u>
<a href="#">2903.22</a>	<a href="#">Menacing</a>	<u>√</u>	<u>√</u>
<a href="#">2903.34</a>	<a href="#">Patient abuse, neglect</a>	<u>√</u>	<u>√</u>
<a href="#">2905.01</a>	<a href="#">Kidnapping</a>	<u>√</u>	<u>√</u>
<a href="#">2905.02</a>	<a href="#">Abduction</a>	<u>√</u>	<u>√</u>
<a href="#">2905.11</a>	<a href="#">Extortion</a>	<u>√</u>	<u>√</u>

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<a href="#">2907.06</a>	<a href="#">Sexual imposition</a>	√	√
<a href="#">2907.07</a>	<a href="#">Importuning</a>	√	√
<a href="#">2907.08</a>	<a href="#">Voyeurism</a>	√	√
<a href="#">2907.09</a>	<a href="#">Public indecency</a>	√	√
<a href="#">2907.22</a>	<a href="#">Promoting prostitution</a>	√	√
<a href="#">2907.23</a>	<a href="#">Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another</a>	√	√
<a href="#">2907.25</a>	<a href="#">Prostitution – after positive HIV test</a>	√	√
<a href="#">2907.31</a>	<a href="#">Disseminating matter harmful to juveniles</a>	√	√
<a href="#">2907.32</a>	<a href="#">Pandering obscenity</a>	√	√
<a href="#">2909.02</a>	<a href="#">Aggravated arson</a>	√	√
<a href="#">2909.03</a>	<a href="#">Arson</a>	√	√
<a href="#">2909.22</a>	<a href="#">Soliciting or providing support for act of terrorism</a>	√	√
<a href="#">2909.23</a>	<a href="#">Making terroristic threat</a>	√	√
<a href="#">2909.24</a>	<a href="#">Terrorism</a>	√	√
<a href="#">2911.01</a>	<a href="#">Aggravated robbery</a>	√	√
<a href="#">2911.02</a>	<a href="#">Robbery</a>	√	√
<a href="#">2911.11</a>	<a href="#">Aggravated burglary</a>	√	√
<a href="#">2911.12</a>	<a href="#">Burglary</a>	√	√
<a href="#">2913.49</a>	<a href="#">Identity Fraud</a>	√	√
<a href="#">2917.01</a>	<a href="#">Inciting to violence</a>	√	√
<a href="#">2917.02</a>	<a href="#">Aggravated riot</a>	√	√
<a href="#">2919.23</a>	<a href="#">Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)</a>	√	√
<a href="#">2919.24</a>	<a href="#">Contributing to unruliness or delinquency of a child</a>	√	√
<a href="#">2923.12</a>	<a href="#">Carrying concealed weapons</a>	√	√
<a href="#">2923.13</a>	<a href="#">Having weapons while under disability</a>	√	√
<a href="#">2923.161</a>	<a href="#">Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function</a>	√	√
<a href="#">2923.17</a>	<a href="#">Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives</a>	√	√
<a href="#">2923.21</a>	<a href="#">Improperly furnishing firearms to a minor</a>	√	√

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<a href="#">2923.42</a>	<a href="#">Participating in criminal gang</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.02</a>	<a href="#">Corrupting another with drugs</a>		<a href="#">√</a>
<a href="#">2925.03</a>	<a href="#">Trafficking, aggravated trafficking in drugs</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.04</a>	<a href="#">Illegal manufacture of drugs or cultivation of marijuana</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.041</a>	<a href="#">Illegal assembly or possession of chemicals for manufacture of drugs</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.05</a>	<a href="#">Funding of drug or marijuana trafficking</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.06</a>	<a href="#">Illegal administration or distribution of anabolic steroids</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.11</a>	<a href="#">Possession of a controlled substance</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.13</a>	<a href="#">Permitting drug abuse</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.22</a>	<a href="#">Deception to obtain a dangerous drug</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.23</a>	<a href="#">Illegal processing of drug documents</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.24</a>	<a href="#">Tampering with drugs</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.31</a>	<a href="#">Abusing harmful intoxicants</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.32</a>	<a href="#">Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.36</a>	<a href="#">Illegal dispensing of drug samples</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2925.37</a>	<a href="#">Counterfeit controlled substance offenses</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">2927.12</a>	<a href="#">Ethnic intimidation</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">3716.11</a>	<a href="#">Placing harmful objects in food or confection</a>	<a href="#">√</a>	<a href="#">√</a>
<a href="#">4511.19</a>	<a href="#">Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC</a>	<a href="#">√ Only a disqualifying offense if two or more violations have been committed within the past 3 years</a>	<a href="#">√ Only a disqualifying offense if two or more violations have been committed within the past 3 years</a>
<a href="#">A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in this appendix.</a>			

Rehabilitation criteria for foster applicants, foster caregivers, adoptive applicants, adoptive parents and household members. The individual can not be approved or certified unless the recommending agency finds and documents that the person has met all of the following conditions:

- (1) The victim of the offense was not a person under the age of eighteen.
- (2) The person's certification as a foster caregiver, approval as an adoptive parent or the person's residency in the foster caregiver's or adoptive parent's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors are to be considered in determining the person's certification as a foster caregiver, approval as an adoptive parent or the person's residency in the foster caregiver's or adoptive parent's household.
  - (a) The person's age at the time of the offense.
  - (b) The nature and seriousness of the offense.
  - (c) The circumstances under which the offense was committed.
  - (d) The degree of participation of the person involved in the offense.
  - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
  - (f) The likelihood that the circumstance leading to the offense will recur.
  - (g) Whether the person is a repeat offender.
  - (h) The person's employment record.
  - (i) The person's efforts at rehabilitation and the results of those efforts.
  - (j) Whether any criminal proceedings are pending against the person.
  - (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in appendix A to this rule, if the felony bears a direct and substantial relationship to being a foster caregiver, adoptive parent or adult members of the foster caregiver's or adoptive parent's household.
  - (l) The victim of the offense was:
    - (i) A functionally impaired person as defined in section 2903.10 of the Revised Code.

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(ii) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(iii) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(iv) A person sixty years of age or older.

(m) Any other factors the agency considers relevant.

Rehabilitation criteria for employees, college interns, subcontractors, volunteers, board presidents, administrators or officers. The individual cannot be employed unless the agency finds and documents that the person has met all of the following conditions:

- (1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code are to be considered to have met this condition.
- (2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
- (3) The victim of the offense was not one of the following:
  - (a) A person under the age of eighteen or person sixty years of age or older.
  - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
  - (c) An intellectually disabled person as defined in section 5123.01 of the Revised Code.
  - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
  - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
- (4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors are to be considered in determining whether to hire the prospective employee:
  - (a) The person's age at the time of the offense.
  - (b) The nature and seriousness of the offense.
  - (c) The circumstances under which the offense was committed.
  - (d) The degree to which the person participated in the offense.
  - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
  - (f) The likelihood that the circumstances leading to the offense will recur.
  - (g) Whether the person is a repeat offender.
  - (h) The person's employment record.

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(i) The person's efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending against the person.

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in appendix B of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.

(l) Any other factors the agency considers relevant.