

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

<p style="text-align: center;"><b><u>Permanent Disqualifying Crimes</u></b></p> <p>The following felony 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 style="text-align: center;"><b><u>5 Year Disqualifying Crimes</u></b></p> <p>The following felony 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;"><b><u>Crime Status, Other Crimes and Enhancements</u></b></p> <p><b><u>Pending Crime</u></b> – 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"> <li>• <b><u>Bail Jumping</u></b> – 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.</li> <li>• 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"> <li>▪ <b><u>Attempt</u></b> RCW 9A.28.020</li> <li>▪ <b><u>Conspiracy</u></b> RCW 9A.28.030</li> <li>▪ <b><u>Solicitation</u></b> RCW 9A.28.040</li> </ul> <p><b>Example:</b> 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> </li> <li>• <b><u>Sexual Motivation</u></b> – 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.</li> </ul>	<p style="text-align: center;"><b><u>Negative Actions</u></b></p> <p><b>Negative Actions</b> 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 <b>negative action</b> 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"> <li>• 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</li> <li>• Termination, revocation, suspension, or denial of a license, certification, and/or State or Federal contract</li> <li>• Relinquishment of a license, certification, or contract in lieu of an agency negative action</li> <li>• Revocation, suspension, denial or restriction placed on a professional license</li> <li>• Department of Health disciplining authority finding</li> </ul> <p>Refer to policy for specific review process for negative actions.</p>