

**Ohio Department of Job and Family Services
Prohibitive Convictions and Rehabilitation Standards
for Child Care Centers, Type A Home/Type B Home Providers, and In-Home Aides**

Per the Ohio Revised Code (ORC), anyone who has been convicted of or plead guilty to the offenses below are prohibited from owning, operating or working in a child care business or working as a child care provider or certified in-home aide unless rehabilitation standards have been met.

In addition, anyone younger than 18 who lives in a Type A or Type B Home must not have been adjudicated delinquent for committing the offenses listed below.

Prohibitive Offenses	
<p>Homicide ORC 2903.01 – Aggravated murder ORC 2903.02 – Murder ORC 2903.03 – Voluntary manslaughter ORC 2903.04 – Involuntary manslaughter</p>	<p>Robbery and burglary ORC 2911.01 – Aggravated robbery ORC 2911.02 – Robbery ORC 2911.11 – Aggravated burglary ORC 2911.12 – Burglary</p>
<p>Assault ORC 2903.11 – Felonious assault ORC 2903.12 – Aggravated assault ORC 2903.13 – Assault ORC 2903.16 – Failing to provide for a functionally impaired person</p>	<p>Arson ORC 2909.02 – Aggravated arson ORC 2909.22 – Soliciting or providing support for act of terrorism ORC 2909.23 – Making terroristic threat ORC 2909.24 – Terrorism ORC 2909.03 – Arson</p>
<p>Menacing ORC 2903.15 – Permitting child abuse ORC 2903.21 – Aggravated menacing ORC 2903.211 – Menacing by stalking ORC 2903.22 – Menacing</p>	<p>Offenses against the family ORC 2919.12 – Unlawful abortion ORC 2919.22 – Endangering children ORC 2919.23 – Interference with custody ORC 2919.24 – Contributing to unruliness or delinquency of a child ORC 2919.25 – Domestic violence ORC 2919.224 – Misrepresentation relating to provision of child care ORC 2919.225 Disclosure and notice regarding death or injury of child in facility</p>
<p>Patient abuse and neglect ORC 2903.34 – Patient abuse, neglect</p>	<p>Offenses against justice and public administration ORC 2921.11 – Perjury ORC 2921.13 – Falsification ORC 2921.14 – Making or causing false report of child abuse or neglect</p>
<p>Kidnapping and related issues ORC 2905.01 – Kidnapping ORC 2905.02 – Abduction ORC 2905.04 – Child stealing (as this law existed prior to July 1, 1996) ORC 2905.05 – Criminal child enticement ORC 2905.32 – Trafficking in persons</p>	<p>Weapons control ORC 2923.12 – Carrying a concealed weapon ORC 2923.13 – Having a weapon while under disability ORC 2923.161 – Improperly discharging a firearm at or into a habitation or school ORC 2923.01 – Conspiracy</p>
<p>Sex offenses ORC 2907.02 – Rape ORC 2907.03 – Sexual battery ORC 2907.04 – Corruption of a minor ORC 2907.05 – Gross sexual imposition ORC 2907.06 – Sexual imposition ORC 2907.07 – Importuning ORC 2907.08 – Voyeurism ORC 2907.09 – Public indecency ORC 2907.12 – Felonious sexual penetration (as this former section of law existed) ORC 2907.19 – Commercial sexual exploitation of a minor ORC 2907.21 – Compelling prostitution</p>	<p>Drug offenses ORC 2925.02 – Corrupting another with drugs ORC 2925.03 – Trafficking in drugs ORC 2925.04 – Illegal manufacture of drugs or cultivation of marijuana ORC 2925.05 – Funding of drug or marijuana trafficking ORC 2925.06 – Illegal administration or distribution of anabolic steroids ORC 2925.11 – Possession of drugs or marijuana that is not a minor drug possession offense in section ORC 2925.01</p>

<p>ORC 2907.22 – Promoting prostitution ORC 2907.23 – Procuring ORC 2907.24 – Soliciting – after positive HIV test driver's license suspension ORC 2907.25 – Prostitution ORC 2907.31 – Disseminating matter harmful to juveniles ORC 2907.32 – Pandering obscenity ORC 2907.321 – Pandering obscenity involving a minor ORC 2907.322 – Pandering sexually oriented matter involving a minor ORC 2907.323 – Illegal use of a minor in nudity-oriented material or performance</p>	
<p>Theft and fraud ORC 2913.02 – Theft; aggravated theft ORC 2913.03 – Unauthorized use of a vehicle ORC 2913.04 – Unauthorized use of property, computer, cable, or telecommunication property or service ORC 2913.041 – Possession or sale of unauthorized cable television device ORC 2913.33 – Making or using slugs ORC 2913.05 – Telecommunications fraud ORC 2913.06 – Unlawful use of telecommunications</p>	<p>Other ORC 959.13 – Cruelty to animals ORC 2151.421 – Reporting child abuse or neglect ORC 2905.11 – Extortion ORC 3716.11 – Placing harmful objects in food or confection ORC 2909.04 – Disrupting public services ORC 2909.05 – Vandalism ORC 2917.01 – Inciting to violence ORC 2917.02 – Aggravated riot ORC 2917.03 – Riot ORC 2917.31 – Inducing panic ORC 2921.03 – Intimidation ORC 2921.34 – Escape ORC 2921.35 – Aiding escape or resistance to authority ORC 2927.12 – Ethnic intimidation ORC 4511.19 – Operating vehicle under the influence of alcohol or drugs – OVI. (A second violation within five years of the date of application for licensure or employment.) ORC 2923.02 – Attempt, that relates to a crime specified in division 109.572 (A)(5) ORC 2923.03 – Complicity, that relates to a crime specified in division 109.572 (A)(5)</p>

Source: ORC Section 109.572 (A)(5)

Anyone with prohibitive offenses must provide conclusive evidence and documentation that rehabilitation standards were met before potentially being eligible for a child care license or in-home aide certificate or to be eligible to work in a child care setting.

What are the Standards for Rehabilitation?

If the offense was a misdemeanor:

- At least three years must have elapsed from the date the person was fully discharged from imprisonment, probation or parole, or
- The conviction record must have been sealed by a court pursuant to ORC section 2953.32

If the offense was a felony:

- At least 10 years must have elapsed since the person was fully discharged from imprisonment, probation or parole

Once the above time limits have elapsed, the following additional factors will be considered when determining whether rehabilitations standards were met:

- Age of the person at the time of the offense
- Nature and seriousness of the offense
- Circumstances under which the offense was committed
- Degree to which the person participated in the offense
- Time elapsed since discharge from imprisonment, probation or parole
- Likelihood that the circumstances leading to the offense will recur
- Whether the person is a repeat offender
- Employment record

- Efforts at and results of rehabilitation
- Whether any criminal proceedings are pending
- Any other relevant factors

These factors will be considered for:

- Applicants, owners, administrators and employees of child care centers
- Owners, administrators, employees and residents age 18 or older in Type A Homes
- Applicants, providers, employees, assistants, emergency caregivers, substitute caregivers and other adults living in Type B Homes

When is an Individual Not Eligible to Receive a Child Care License or Certification?

Type A Home or Type B Home Provider Child Care License or Certified In-Home Aide:

- If a child was removed from his/her home because of abuse, neglect or dependency (per ORC section 2151.353)
- If information in the Statewide Automated Child Welfare Information System (SACWIS) indicates the person should not be a child care provider

For Child Care Centers, Type A or Type B Home providers or Certified In-Home Aide, the victim of the offense must not have been one of the following:

- Under the age of 18
- Functionally impaired as defined in ORC section 2903.10
- Intellectually disabled as defined in ORC section 5123.01
- Mentally ill as defined in ORC section 5122.01
- Age 60 or older

Who Is Required to Complete a Criminal Records Check and Statement of Nonconviction?

<u>Child Care Centers and Type A Homes</u>	<u>Type B Home and In-Home Aides</u>
Individual owner	Licensed Type B home provider
Administrator	Certified in-home aide
Employee	Emergency caregiver
Second adult in a child care center or Type A home	Substitute caregiver
Everyone 18 and older who lives in a Type A home	Employee
	Assistants
	Everyone 18 and older who lives in a Type B home

Source: Ohio Administrative Code (OAC) rules 5101:2-12-26, 5101:2-13-26, 5101:2-14-07 and 5101:2-14-03