

DISQUALIFYING OFFENSES FOR FOSTER CARE REGISTERS AND HOUSEHOLD MEMBERS
 5101:2-5-09.1

<u>Non-rehabilitative felony offenses.</u> <u>Misdemeanor offenses must be evaluated using the rehabilitative criteria in</u> <u>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>2903.01</u>	<u>Aggravated murder</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.02</u>	<u>Murder</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.03</u>	<u>Voluntary manslaughter</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.04</u>	<u>Involuntary manslaughter</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.041</u>	<u>Reckless homicide</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.06</u>	<u>Aggravated Vehicular Homicide; vehicular homicide; vehicular manslaughter</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2903.32</u>	<u>Female genital mutilation</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>

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<u>2905.05</u>	<u>Criminal child enticement</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2905.32</u>	<u>Trafficking in persons</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.02</u>	<u>Rape</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.03</u>	<u>Sexual battery</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.04</u>	<u>Unlawful sexual conduct with a minor</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.05</u>	<u>Gross sexual imposition</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.12</u>	<u>Felonious sexual penetration (as this former section of law existed)</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.19</u>	<u>Commercial sexual exploitation of a minor</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>

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<u>2907.21</u>	<u>Compelling prostitution</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.31</u>	<u>Disseminating matter harmful to juveniles</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.321</u>	<u>Pandering obscenity involving a minor</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.322</u>	<u>Pandering sexually oriented matter involving a minor</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2907.323</u>	<u>Illegal use of a minor in nudity-oriented material or performance</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.10</u>	<u>Abortion related to finding of down syndrome</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.12</u>	<u>Unlawful abortion</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.121</u>	<u>Unlawful abortion upon a minor</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>

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<u>2919.123</u>	<u>Unlawful distribution of an abortion-inducing drug</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.124</u>	<u>Unlawful performance of a drug induced abortion</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.13</u>	<u>Abortion manslaughter; failure to render medical care to an infant born alive</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.15</u>	<u>Dismemberment abortion</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.151</u>	<u>Partial birth feticide</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.17</u>	<u>Terminating or attempting to terminate human pregnancy after viability</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.193</u>	<u>Determination of detectable fetal heartbeat</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.194</u>	<u>Procedures after detection of fetal heartbeat</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>

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<u>2919.195</u>	<u>Performance of abortion after detection of fetal heartbeat</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.201</u>	<u>Abortion after gestational age of 20 weeks</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.22</u>	<u>Endangering children</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved</u>
<u>2919.25</u>	<u>Domestic violence</u>	<u>√</u>	<u>Non-rehabilitation offense, if considered spousal abuse - caregiver cannot be approved</u>

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<u>Non-rehabilitative offense if felony conviction occurred within the last five years.</u> <u>Felony convictions after five years and misdemeanor offenses must be</u> <u>evaluated using the rehabilitative criteria in Appendix C of this rule but are not</u> <u>automatically disqualifying.</u>			
<u>2903.08</u>	<u>Aggravated Vehicular Assault;</u> <u>Vehicular Assault</u>	<u>√</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>N/A</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>N/A</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>√</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>

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<u>2925.02</u>	<u>Corrupting another with drugs</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.03</u>	<u>Trafficking, aggravated trafficking in drugs</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.04</u>	<u>Illegal manufacture of drugs or cultivation of marijuana</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.041</u>	<u>Illegal assembly or possession of chemicals for manufacture of drugs</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.05</u>	<u>Funding of drug or marijuana trafficking</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>

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<u>2925.06</u>	<u>Illegal administration or distribution of anabolic steroids</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.11</u>	<u>Possession of controlled substances</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.13</u>	<u>Permitting drug abuse</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.22</u>	<u>Deception to obtain a dangerous drug</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.23</u>	<u>Illegal processing of drug documents</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>

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<u>2925.24</u>	<u>Tampering with drugs</u>	<u>N/A</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.31</u>	<u>Abusing harmful intoxicants</u>	<u>√</u>	<u>Non-rehabilitation offense - Caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.32</u>	<u>Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.36</u>	<u>Illegal dispensing of drug samples</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>
<u>2925.37</u>	<u>Counterfeit controlled substance offenses</u>	<u>√</u>	<u>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</u>

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All other offenses marked with a √ that must be evaluated using the rehabilitative criteria in Appendix C of this rule .			
<u>959.13</u>	<u>Cruelty to animals</u>	<u>√</u>	<u>N/A</u>
<u>2151.421</u>	<u>Reporting child abuse or neglect</u>	<u>√</u>	<u>N/A</u>
<u>2903.15</u>	<u>Permitting child abuse</u>	<u>√</u>	<u>√</u>
<u>2903.16</u>	<u>Failing to provide for a functionally impaired person</u>	<u>√</u>	<u>√</u>
<u>2903.21</u>	<u>Aggravated menacing</u>	<u>√</u>	<u>√</u>
<u>2903.211</u>	<u>Menacing by stalking</u>	<u>√</u>	<u>√</u>
<u>2903.22</u>	<u>Menacing</u>	<u>√</u>	<u>√</u>
<u>2903.34</u>	<u>Patient abuse, neglect</u>	<u>√</u>	<u>√</u>
<u>2905.01</u>	<u>Kidnapping</u>	<u>N/A</u>	<u>√</u>
<u>2905.02</u>	<u>Abduction</u>	<u>N/A</u>	<u>√</u>
<u>2905.11</u>	<u>Extortion</u>	<u>N/A</u>	<u>√</u>
<u>2907.06</u>	<u>Sexual imposition</u>	<u>√</u>	<u>√</u>
<u>2907.07</u>	<u>Importuning</u>	<u>N/A</u>	<u>√</u>
<u>2907.08</u>	<u>Voyeurism</u>	<u>√</u>	<u>√</u>
<u>2907.09</u>	<u>Public indecency</u>	<u>√</u>	<u>√</u>
<u>2907.22</u>	<u>Promoting prostitution</u>	<u>N/A</u>	<u>√</u>
<u>2907.23</u>	<u>Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another</u>	<u>√</u>	<u>√</u>
<u>2907.25</u>	<u>Prostitution – after positive HIV test</u>	<u>N/A</u>	<u>√</u>
<u>2907.32</u>	<u>Pandering obscenity</u>	<u>N/A</u>	<u>√</u>
<u>2909.02</u>	<u>Aggravated arson</u>	<u>N/A</u>	<u>√</u>
<u>2909.03</u>	<u>Arson</u>	<u>√</u>	<u>√</u>
<u>2909.22</u>	<u>Soliciting or providing support for act of terrorism</u>	<u>√</u>	<u>√</u>
<u>2909.23</u>	<u>Making terroristic threat</u>	<u>N/A</u>	<u>√</u>
<u>2909.24</u>	<u>Terrorism</u>	<u>One degree higher than the most serious underlying specified offense the defendant committed (If the offense was a third-degree felony, the terrorism charge related to that offense would be a second degree felony) This could be a disqualifying offense if the original charge was a non-rehabilitative crime listed above.</u>	
<u>2911.01</u>	<u>Aggravated robbery</u>	<u>N/A</u>	<u>√</u>
<u>2911.02</u>	<u>Robbery</u>	<u>N/A</u>	<u>√</u>
<u>2911.11</u>	<u>Aggravated burglary</u>	<u>N/A</u>	<u>√</u>
<u>2911.12</u>	<u>Burglary</u>	<u>N/A</u>	<u>√</u>
<u>2913.49</u>	<u>Identity Fraud</u>	<u>N/A</u>	<u>√</u>
<u>2917.01</u>	<u>Inciting to violence</u>	<u>√</u>	<u>√</u>
<u>2917.02</u>	<u>Aggravated riot</u>	<u>N/A</u>	<u>√</u>
<u>2919.21</u>	<u>Nonsupport or contributing to</u>	<u>N/A</u>	<u>√</u>

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	<u>nonsupport of dependents</u>		
<u>2919.23</u>	<u>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)</u>	<u>√</u>	<u>√</u>
<u>2919.24</u>	<u>Contributing to unruliness or delinquency of a child</u>	<u>√</u>	<u>N/A</u>
<u>2919.27</u>	<u>Violating protection order</u>	<u>N/A</u>	<u>√</u> <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>N/A</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>N/A</u>	<u>√</u>
<u>2923.17</u>	<u>Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives</u>	<u>N/A</u>	<u>√</u>
<u>2923.21</u>	<u>Improperly furnishing firearms to minor</u>	<u>N/A</u>	<u>√</u>
<u>2923.42</u>	<u>Participating in criminal gang</u>	<u>N/A</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>N/A</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>			