

SECRETARY'S LIST OF CRIMES AND
NEGATIVE ACTIONS FOR EMPLOYEES
AND PROVIDERS



Washington State Department of
CHILDREN, YOUTH & FAMILIES

Introduction

The Department of Children, Youth, and Families (DCYF) must adhere to federal and state requirements when reviewing an individual's background information prior to authorizing unsupervised access to children or youth. DCYF must also assess an individual's suitability whose criminal or negative action history is not disqualifying under federal law, but may relate directly to child safety, permanence or well-being.

Legend

- For purposes of this list, the term "applicants" also includes the employees of contracted, licensed, and unlicensed providers.
- Programs **in purple font** (Child Welfare, DCYF Employee, or Early Learning) represent the crime as disqualifying by law or rule.
- Programs **in orange font** (Child Welfare, DCYF Employee, or Early Learning) represent crimes that are **not** disqualifying by law or rule, but DCYF finds these crimes or negative actions may relate directly to child safety, permanence or well-being and must assess the background information before rendering a decision.
- **Child Welfare** applicants include contracted, licensed and unlicensed providers, and volunteers who provide child welfare services or may have unsupervised access to children or youth receiving child welfare services.
- **DCYF Employee** applicants include employees, volunteers, interns and work study students who are in covered, Executive Management Service or Juvenile Rehabilitation positions, or have access to National Crime Information Center background information.
- **Early Learning** applicants include contracted, licensed and unlicensed providers, and volunteers who provide child care or early learning services or may have unsupervised access to children or youth receiving early learning services.

Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Abandonment of a Dependent Person 1 (class B felony) RCW 9A.42.060	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is not a child) DCYF Employee Early Learning (if victim is not a child)
Abandonment of a Dependent Person 2 (class C felony) RCW 9A.42.070	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)
Abandonment of a Dependent Person 3 (gross misdemeanor) RCW 9A.42.080			Child Welfare DCYF Employee Early Learning
Aggravated Murder 1 (class A felony) RCW 10.95.020	Child Welfare DCYF Employee Early Learning		

Secretary's List of Crimes and Negative Actions for Employees and Providers

Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Animal Cruelty 1 (class C felony) RCW 16.52.205			Child Welfare DCYF Employee Early Learning
Animal Cruelty 2 (gross misdemeanor) RCW 16.52.207			Child Welfare DCYF Employee Early Learning
Arson 1 (class A felony) RCW 9A.48.020	DCYF Employee Early Learning		Child Welfare
Arson 2 (class B felony) RCW 9A.48.030	DCYF Employee Early Learning		Child Welfare
Assault 1 (class A felony) RCW 9A.36.011	Child Welfare (if child or spouse is involved) DCYF Employee Early Learning	Child Welfare (if child or spouse is <u>not</u> involved)	
Assault 2 (class A felony) RCW 9A.36.021	Child Welfare (if child or spouse is involved) DCYF Employee Early Learning	Child Welfare (if child or spouse is <u>not</u> involved)	
Assault 3 (class C felony) RCW 9A.36.031	Early Learning (if causes bodily harm)	Child Welfare (if causes bodily harm)	Child Welfare (if no bodily harm) DCYF Employee Early Learning (if no bodily harm)
Assault 4 (class C felony or gross misdemeanor) RCW 9A.36.041			Child Welfare DCYF Employee Early Learning
Assault of a Child 1 (class A felony) RCW 9A.36.120	Child Welfare DCYF Employee Early Learning		
Assault of a Child 2 (class B felony) RCW 9A.36.130	Child Welfare DCYF Employee Early Learning		
Assault of a Child 3 (class C felony) RCW 9A.36.140	Child Welfare Early Learning		DCYF Employee
Burglary 1 (class A felony) RCW 9A.52.020	Child Welfare (if child or spouse is assaulted) DCYF Employee Early Learning (if child or spouse is assaulted)		Child Welfare (if child or spouse is <u>not</u> assaulted) Early Learning (if child or spouse is <u>not</u> assaulted)

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Burglary 2 (class B felony) RCW 9A.52.030			Child Welfare DCYF Employee Early Learning
Child Molestation 1 (class A felony) RCW 9A.44.083	Child Welfare DCYF Employee Early Learning		
Child Molestation 2 (class B felony) RCW 9A.44.086	Child Welfare DCYF Employee Early Learning		
Child Molestation 3 (class C felony) RCW 9A.44.089	Child Welfare DCYF Employee Early Learning		
Child Selling – Child Buying (class C felony) RCW 9A.64.030	Child Welfare DCYF Employee Early Learning		
Coercion (gross misdemeanor) RCW 9A.36.070			Child Welfare DCYF Employee Early Learning
Commercial Sexual Abuse of a Minor (class B felony) RCW 9.68A.100	Child Welfare DCYF Employee Early Learning		
Communication with Minor for Immoral Purposes (class C felony or gross misdemeanor) RCW 9.68A.090	Child Welfare (if felony) DCYF Employee Early Learning (if felony)		Child Welfare (if misdemeanor) Early Learning (if misdemeanor)
Controlled Substances Homicide (class B felony) RCW 69.50.415	Early Learning (if victim is a child)	Child Welfare	DCYF Employee Early Learning (if victim is <u>not</u> a child)
Criminal Gang Intimidation (class C felony) RCW 9A.46.120			Child Welfare DCYF Employee Early Learning
Criminal Impersonation 1 (class C felony) RCW 9A.60.040			Child Welfare DCYF Employee Early Learning
Criminal Mistreatment 1 (class B felony) RCW 9A.42.020	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)

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Criminal Mistreatment 2 (class C felony) RCW 9A.42.030	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)
Criminal Mistreatment 3 (gross misdemeanor) RCW 9A.42.035			Child Welfare DCYF Employee Early Learning
Criminal Mistreatment 4 (misdemeanor) RCW 9A.42.037			Child Welfare DCYF Employee Early Learning
Criminal Sabotage (class B felony) RCW 9.05.060			Child Welfare DCYF Employee Early Learning
Criminal Trespass Against Children (class C felony) RCW 9A.44.196	DCYF Employee		Child Welfare Early Learning
Custodial Assault (class C felony) RCW 9A.36.100	Early Learning (if causes bodily harm)	Child Welfare (if causes bodily harm)	Child Welfare (if no bodily harm) DCYF Employee Early Learning (if no bodily harm)
Custodial Interference 1 (class C felony) RCW 9A.40.060	Child Welfare (if injury to child) Early Learning (if injury to child)		Child Welfare (if no injury to child) DCYF Employee Early Learning (if no injury to child)
Custodial Interference 2 (class C felony or gross misdemeanor) RCW 9A.40.070	Child Welfare (if felony <u>and</u> injury to child) Early Learning (if felony <u>and</u> injury to child)		Child Welfare (if felony <u>and</u> no injury to child or if misdemeanor) DCYF Employee Early Learning (if felony <u>and</u> no injury to child or if misdemeanor)
Custodial Sexual Misconduct 1 (class C felony) RCW 9A.44.160	Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)
Custodial Sexual Misconduct 2 (gross misdemeanor) RCW 9A.44.170	DCYF Employee		Child Welfare Early Learning
Cyberstalking (class C felony or gross misdemeanor) RCW 9.61.260			Child Welfare DCYF Employee Early Learning

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Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1 or 2 (both degrees are class B felony) RCW 9.68A.050	<p>Child Welfare DCYF Employee Early Learning</p>		
Drive-by shooting (class B felony) RCW 9A.36.045	<p>Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)</p>		<p>Child Welfare (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)</p>
Driving Under the Influence (class B felony or gross misdemeanor) RCW 46.61.502			<p>Child Welfare DCYF Employee Early Learning (if felony or within 3 years for all)</p>
Endangerment with a Controlled Substance (class B felony) RCW 9A.42.100	<p>Child Welfare (if victim is a child) Early Learning (if victim is a child)</p>		<p>Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)</p>
Extortion 1 (class B felony) RCW 9A.56.120	<p>Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)</p>		<p>Child Welfare (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)</p>
Extortion 2 (class C felony) RCW 9A.56.130	<p>Child Welfare (if victim is a child) Early Learning (if victim is a child)</p>		<p>Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)</p>
Failure to Register as Kidnapping Offender or Sex Offender (class C felony or gross misdemeanor) RCW 9A.44.132	<p>DCYF Employee (if felony)</p>		<p>Child Welfare DCYF Employee (if misdemeanor) Early Learning</p>
Finding of abuse, neglect, exploitation or abandonment of a vulnerable adult, child or juvenile (including a court finding of child abuse or neglect or established "B" dependency in RCW 13.34.030(6)(b))			<p>Child Welfare DCYF Employee Early Learning</p>
Furnishing Liquor to Minors (gross misdemeanor) RCW 66.44.270			<p>Child Welfare DCYF Employee Early Learning</p>

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Harassment (class C felony or gross misdemeanor) RCW 9A.46.020	Child Welfare (if felony)		Child Welfare (if misdemeanor) DCYF Employee Early Learning
Hate Crime (class C felony) RCW 9A.36.080	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)
Hit and Run Attended (class B or C felony or gross misdemeanor) RCW 46.52.020			Child Welfare DCYF Employee Early Learning (if felony for all)
Homicide by Abuse (class A felony) RCW 9A.32.055	Child Welfare DCYF Employee Early Learning (if victim is a child)		Early Learning (if victim is <u>not</u> a child)
Homicide by Watercraft (class A felony) RCW 79A.60.050	Child Welfare (if victim is a child) DCYF Employee		Child Welfare (if victim is <u>not</u> a child) Early Learning
Incendiary Devices – Possession, Manufacture or Disposing of (class B felony) RCW 9.40.120			Child Welfare DCYF Employee Early Learning
Incest 1 or 2 (class B or C felony) RCW 9A.64.020	Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)
Indecent Exposure (class C felony or gross misdemeanor) RCW 9A.88.010	Child Welfare (if felony <u>and</u> victim is a child) DCYF Employee Early Learning (if felony <u>and</u> victim is a child)		Child Welfare (if felony and victim is <u>not</u> a child or if misdemeanor) Early Learning (if felony and victim is <u>not</u> a child or if misdemeanor)
Indecent Liberties (class A or B felony) RCW 9A.44.100	Child Welfare DCYF Employee Early Learning		
Kidnapping 1 (class A felony) RCW 9A.40.020	Child Welfare (if victim is a child) DCYF Employee Early Learning		Child Welfare (if victim is <u>not</u> a child)

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Kidnapping 2 (class B felony) RCW 9A.40.030	Child Welfare (if victim is a child) DCYF Employee Early Learning		Child Welfare (if victim is <u>not</u> a child)
Leading Organized Crime (class A or B felony) RCW 9A.82.060	DCYF Employee (if class A)		Child Welfare DCYF Employee (if class B) Early Learning
Leaving Children Unattended in Parked Automobile (gross misdemeanor) RCW 9.91.060			Child Welfare DCYF Employee Early Learning
Leaving Children Unattended in Standing Vehicle with Motor Running (misdemeanor) RCW 46.61.685			Child Welfare DCYF Employee Early Learning
Luring (class C felony) RCW 9A.40.090	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)
Malicious Placement of an Explosive 1, 2 or 3 (class A or B felony) RCW 70.74.270	DCYF Employee (if class A)		Child Welfare DCYF Employee (if class B) Early Learning
Malicious Placement of an Imitation Device 1 or 2 (class B or C felony) RCW 70.74.272			Child Welfare DCYF Employee Early Learning
Manslaughter 1 (class A felony) RCW 9A.32.060	Child Welfare DCYF Employee Early Learning (if victim is a child)		Early Learning (if victim is <u>not</u> a child)
Manslaughter 2 (class B felony) RCW 9A.32.070	Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)
Murder 1 (class A felony) RCW 9A.32.030	Child Welfare DCYF Employee Early Learning		
Murder 2 (class A felony) RCW 9A.32.050	Child Welfare DCYF Employee Early Learning		

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Negative actions: <ul style="list-style-type: none"> ▪ Termination, revocation, suspension or denial of a license, certification and/or state or federal contract. ▪ Relinquishment of a license, certification or contract in lieu of an agency negative action. ▪ Revocation, suspension, denial or restriction placed on a professional license. ▪ Department of Health disciplining authority findings. 			Child Welfare DCYF Employee Early Learning
Negligent Driving 1 (misdemeanor) RCW 46.61.5249			Child Welfare DCYF Employee Early Learning (if within 3 years for all)
Permitting Commercial Sexual Abuse of a Minor (gross misdemeanor) RCW 9.68A.103	DCYF Employee		Child Welfare Early Learning
Physical Control of Vehicle Under the Influence (class C felony or gross misdemeanor) RCW 46.61.504			Child Welfare DCYF Employee Early Learning (if felony for all)
Possession of Depictions of Minor Engaged in Sexually Explicit Conduct 1 or 2 (class B felony) RCW 9.68A.070	Child Welfare DCYF Employee Early Learning		
Promoting Commercial Sexual Abuse of a Minor (class A felony) RCW 9.68A.101	Child Welfare DCYF Employee Early Learning		
Promoting Pornography (class C felony) RCW 9.68.140	Child Welfare DCYF Employee Early Learning (if victim is a child for all)		Child Welfare DCYF Employee Early Learning (if victim is not a child for all)

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Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Promoting Prostitution 1 (class B felony) RCW 9A.88.070	<p>Child Welfare (if victim is a child or if involves violence) DCYF Employee (if victim is a child) Early Learning (if victim is a child)</p>		<p>Child Welfare (if victim is <u>not</u> a child and does not involve violence) DCYF Employee (if victim is <u>not</u> a child) Early Learning (if victim is <u>not</u> a child)</p>
Promoting Prostitution 2 (class C felony) RCW 9A.88.080			<p>Child Welfare DCYF Employee Early Learning</p>
Promoting Suicide Attempt (class C felony) RCW 9A.36.060			<p>Child Welfare DCYF Employee Early Learning</p>
Promoting Travel for Commercial Sexual Abuse of a Minor (class C felony) RCW 9.68A.102	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape 1 (class A felony) RCW 9A.44.040	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape 2 (class A felony) RCW 9A.44.050	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape 3 (class C felony) RCW 9A.68A.060	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape of a Child 1 (class A felony) RCW 9A.44.073	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape of a Child 2 (class A felony) RCW 9A.44.076	<p>Child Welfare DCYF Employee Early Learning</p>		
Rape of a Child 3 (class C felony) RCW 9A.44.079	<p>Child Welfare DCYF Employee Early Learning</p>		
Reckless Endangerment (gross misdemeanor) RCW 9A.36.050			<p>Child Welfare DCYF Employee Early Learning</p>

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Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Rendering Criminal Assistance 1 (class B felony or gross misdemeanor) RCW 9A.76.070			Child Welfare DCYF Employee Early Learning (if felony or misdemeanor for all)
Residential Burglary (class B felony) RCW 9A.52.025			Child Welfare DCYF Employee Early Learning
Robbery 1 (class A felony) RCW 9A.56.200	Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)	Child Welfare (if physical assault)	Child Welfare (if victim is <u>not</u> a child and if no physical assault) Early Learning (if victim is <u>not</u> a child)
Robbery 2 (class B felony) RCW 9A.56.210	Child Welfare (if victim is a child) DCYF Employee Early Learning (if victim is a child)	Child Welfare (if physical assault)	Child Welfare (if victim is <u>not</u> a child and if no physical assault) Early Learning (if victim is <u>not</u> a child)
Sending or Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct 1 or 2 (class B felony) RCW 9.68A.060	Child Welfare DCYF Employee Early Learning		
Sexual Exploitation of a Minor (class B felony) RCW 9.68A.040	Child Welfare DCYF Employee Early Learning		
Sexual Misconduct with a Minor 1 (class C felony) RCW 9A.44.093	Child Welfare DCYF Employee Early Learning		
Sexual Misconduct with a Minor 2 (gross misdemeanor) RCW 9A.44.096	DCYF Employee		Child Welfare Early Learning
Sexually Violating Human Remains (class C felony) RCW 9A.44.105	DCYF Employee		Child Welfare Early Learning
Stalking (class B felony or gross misdemeanor) RCW 9A.46.110			Child Welfare DCYF Employee Early Learning

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Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Telephone Harassment (class C felony or gross misdemeanor) RCW 9.61.230			Child Welfare DCYF Employee Early Learning (if felony for all)
Trafficking 1 or 2 (class A felony) RCW 9A.40.100	DCYF Employee		Child Welfare Early Learning
Unlawful Harboring of a Minor (gross misdemeanor) RCW 13.32A.080			Child Welfare DCYF Employee Early Learning
Unlawful Imprisonment (class C felony) RCW 9A.40.040	Child Welfare (if victim is a child) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee Early Learning (if victim is <u>not</u> a child)
Unlawful Use of a Building for Drug Purposes (class C felony) RCW 69.53.010		Child Welfare	DCYF Employee Early Learning
Use of a Machine Gun or Bump-Fire Stock in Felony (class A felony) RCW 9.41.225	Child Welfare (if victim is a child) DCYF Employee		Child Welfare (if victim is <u>not</u> a child) Early Learning
Vehicular Assault (class B felony) RCW 46.61.522	DCYF Employee (if DUI involved RCW 46.61.502)	Child Welfare	DCYF Employee (if <u>not</u> DUI) Early Learning
Vehicular Homicide (class A felony) RCW 46.61.520	Child Welfare (if victim is a child) DCYF Employee (if DUI involved RCW 46.61.502) Early Learning (if victim is a child)		Child Welfare (if victim is <u>not</u> a child) DCYF Employee (if <u>not</u> DUI) Early Learning (if victim is <u>not</u> a child)
Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct 1 or 2 (class B or C felony) RCW 9.68A.075	Child Welfare DCYF Employee		Early Learning
Violation of Civil Anti-Harassment Protection Order (gross misdemeanor) RCW 10.14.170			Child Welfare DCYF Employee Early Learning

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Crime Resulting in a Conviction or Negative Action	Permanently Disqualifying	5-Year Disqualifying and Character, Suitability, and Competence Required	Character, Suitability, and Competence Required
Violation of Order (class C felony or gross misdemeanor) under RCW 26.50.110 : <ul style="list-style-type: none"> ▪ Dissolution proceeding restraining order under RCW 26.09 ▪ Domestic violence no-contact order under RCW 10.99 ▪ Domestic violence order for protection under RCW 26.50 ▪ Human trafficking no-contact order under RCW 9A.40 ▪ Paternity proceeding restraining order under RCW 26.26A or 26.26B ▪ Promoting prostitution no-contact order under RCW 9A.88 ▪ Protection of a vulnerable adult under RCW 74.34 ▪ Sexual assault protection order under chapter 7.90 RCW ▪ Stalking no-contact order or stalking protection order under RCW 7.92 	Child Welfare (if felony and if victim is a child)		Child Welfare (if felony and if victim is <u>not</u> a child or misdemeanor) DCYF Employee Early Learning
Violation of the Imitation Controlled Substances Act (class B or C felony) RCW 69.52		Child Welfare	DCYF Employee Early Learning
Violation of the Uniform Controlled Substances Act (class B or C felony) RCW 69.50		Child Welfare	DCYF Employee Early Learning
Violation of the Uniform Legend Drug Act (class B or C felony) RCW 69.41		Child Welfare	DCYF Employee Early Learning
Violation of the Uniform Precursor Drug Act (class B or C felony) RCW 69.43		Child Welfare	DCYF Employee Early Learning
Voyeurism (class C felony or gross misdemeanor) RCW 9A.44.115	Child Welfare (if felony <u>and</u> child is involved) DCYF Employee (if felony or victim is a child in custody of JR)		Child Welfare (if felony and <u>no</u> child is involved or if misdemeanor) DCYF Employee (if misdemeanor) Early Learning (if felony or misdemeanor)

Laws and Rules

- A. Child Welfare programs must comply with the federal disqualifying crime requirements described in [Section 106 of Public Law 105-89](#) (Adoption and Safe Families Act), codified at 42 U.S.C. § 671(a)(20). Child Welfare programs must also comply with the background check requirements described in [RCW 26.44.240](#), [RCW 43.43.837](#), [RCW 74.13.700](#), [RCW 74.15.030](#), and [Chapter 110-04 WAC](#).
- B. Early Learning programs must comply with the federal disqualifying crime requirements described in section 7 (Criminal Background Checks) of [Public Law 113-186](#) (Child Care and Development Block Grant Act), codified at 42 U.S.C. § 9858f; and [Title 45 section 98.43 of the Code of Federal Regulations](#) (45 C.F.R. § 98.43). Early learning must also comply with the background check requirements described in [RCW 43.43.837](#), [RCW 43.216.270](#), and Chapter [WAC 110-06](#).
- C. Juvenile Rehabilitation programs must comply with the federal disqualifying crime requirements described in [Public Law 108-79](#) (Prison Rape Elimination Act), disqualifying crime requirements of [RCW 13.40.570](#), and background check requirements described in [RCW 43.43.837](#), [RCW 72.05.440](#), and [WAC 110-700-0015](#). This program is identified as "DCYF Employee" in this list.

Background Check Requirements

- A. **Certificates of Parental Improvement**
DCYF must accept a Certificate of Parental Improvement (CPI) and not disqualify an individual solely based on the finding of child abuse or neglect for which the CPI was granted, unless the individual receives a subsequent founded finding of child abuse or neglect.
- B. **Certificates of Restoration of Opportunity**
DCYF must accept a Certificate of Restoration of Opportunity (CROP) and not disqualify an individual solely based on the conviction for which the CROP was granted unless the crime is federally disqualifying for that program ([RCW 9.97.020](#)).
- C. **Criminal Enhancements**
 - 1. For purposes of child welfare and early learning, if a criminal enhancement is included with any crime, a character, suitability, and competence assessment is required.
 - 2. For purposes of DCYF employees, the employee will be permanently disqualified if sexual motivation ([RCW 9.94A.835](#)) is listed as a criminal enhancement for any conviction.
- D. **Domestic Violence Offense**
For purposes of child welfare and early learning, a character, suitability, and competence assessment is required if an individual has been convicted of a domestic violence offense.
- E. **Dismissal of Charges**
 - 1. A conviction associated with a deferred sentence must be treated the same as a conviction that does not involve a deferred sentence.
 - 2. The court does not have the authority to dismiss a conviction associated with a suspended sentence.
 - 3. The department must refer to the final disposition or status of the criminal charge when assessing an individual's suitability.

F. Pending Crimes

DCYF must **not** employ, license, contract, certify or authorize a person to have unsupervised access to children or youth if they have a criminal charge pending for a disqualifying crime described on the Secretary's List, or a criminal charge pending for a disqualifying crime that may relate directly to child safety, permanence or well-being. For purposes of this policy, "person" includes certified or licensed providers, contractors, and the employees of DCYF.

G. Suitability Assessments

DCYF must complete an individualized assessment when an individual has a crime or negative action that requires a character, suitability, and competence assessment. In this assessment, DCYF will consider the following factors, among others, related to the individual's background information:

1. Whether the individual has obtained a CPI or CROP for any of the background information that requires an assessment;
2. The amount of time that has passed since the pending criminal charge, conviction information, or negative action;
3. The seriousness of the crime or incident, and/or the individual's actions that led to the pending criminal charge, conviction, or negative action;
4. The number, types, and age of other pending criminal charges, convictions, or negative actions in the individual's background;
5. The individual's age at the time of the pending criminal charge, conviction, or negative action;
6. Completion of services or other evidence of rehabilitation since the pending criminal charge, conviction, or negative action; and
7. The individual's role or purpose of the background check.

H. Vacated Convictions

Vacated convictions do not apply to the Secretary's List and as described in [RCW 9.94A.640\(3\)\(a\)](#), are not used to assess suitability.

I. Unsupervised Access to Children or Youth by DCYF Employee or Applicant

Pursuant to [RCW 43.43.832](#) and [RCW 43.216.170](#), a current DCYF employee or applicant who will or may have unsupervised access to children or youth must pass a DCYF background check before the employee or applicant may have unsupervised access.

Glossary of Terms

The definitions below apply throughout this policy unless the context clearly requires otherwise.

- A. **"Acquit" or Acquitted** means a court or jury determination that an individual is **not** guilty of a crime.
- B. **"Anticipatory Offenses"** means an act or actions that constitute an attempt, conspiracy, or solicitation to commit a particular crime. [RCW 9A.28.020\(1\)](#) describes what is necessary to establish criminal "Attempt" to commit a specific crime, [RCW 9A.28.040\(1\)](#) describes what is necessary to establish criminal "Conspiracy" to commit a specific crime, and [RCW 9A.28.030\(1\)](#) describes what is necessary to establish criminal "Solicitation" to commit a specific crime.

- C. **"Convicted or Guilty"** means a court determination that an individual is guilty of a crime and includes a jury verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.
- D. **"Criminal Enhancement"** means specific facts that increase the seriousness of a particular crime. Criminal Enhancements include, but are not limited to the following:
1. Deadly weapon enhancement: [RCW 9.94A.825](#), [RCW 9.94A.533\(4\)](#);
 2. Firearm enhancement: [RCW 9.94A.533\(3\)](#);
 3. Methamphetamine-manufacturing with child on premises enhancement: [RCW 9.94A.533\(6\)](#);
 4. Involving minor in felony offense enhancement: [RCW 9.94A.833](#), [RCW 9.94A.533\(10\)](#); and
 5. Sexual motivation enhancement: [RCW 9.94A.835](#), [RCW 9.94A.533\(8\)](#).
- E. **"Deferred Sentence"** means a decision by a court to not require a convicted offender to serve all or a portion of a sentence imposed by the court if the convicted offender satisfies certain requirements, such as complying with conditions of probation. "Deferred Sentence" also means a type of sentence that for good cause shown, permits the convicted offender to withdraw the guilty plea and allows the court to dismiss the charges and conviction.
- F. **"Domestic Violence Offense"** has the same meaning as defined in [RCW 10.99.020](#) and [RCW 26.50.010](#).
- G. **"Dismissed" or "Dismissal"** means the termination of a criminal charge by a court without a trial or further hearing. The termination of a criminal charge by a court may or may not be based on a request by the prosecutor.
- H. **"Negative Action"** as defined in [RCW 43.216.010](#), means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children or youth in child care. This may include, but is not limited to:
1. A decision issued by an administrative law judge;
 2. A final determination, decision or finding made by an agency following an investigation;
 3. An adverse agency action, including termination, revocation or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification or contract in lieu of the adverse action;
 4. A revocation, denial, or restriction placed on any professional license; or
 5. A final decision of a disciplinary board.
- I. **"Suspended Sentence"** means a decision by a court to postpone all or a part of a sentence imposed by the court on condition the offender does not violate the conditions of probation.
- J. **"Vacate" or "Vacated"** means to make void, nullify, or cancel a judgment or guilty determination.