

## Appendix A to rule 5101:2-5-09.1

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

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

Commented [BD1]: Move to perm. section

Appendix A to rule 5101:2-5-09.1

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>

Appendix A to rule 5101:2-5-09.1

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>
<a href="#">2903.08</a>	<a href="#">Aggravated Vehicular Assault;</a> <a href="#">Vehicular Assault</a>	√	<a href="#">Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</a>
<a href="#">2903.11</a>	<a href="#">Felonious assault</a>	√	<a href="#">Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</a>
<a href="#">2903.12</a>	<a href="#">Aggravated assault</a>	√	<a href="#">Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</a>
<a href="#">2903.13</a>	<a href="#">Assault</a>	√	<a href="#">Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</a>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

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

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

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



DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

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

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

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

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS AND HOUSEHOLD MEMBERS

<u>All other offenses that must be evaluated using the rehabilitative criteria in Appendix C of this rule.</u>			
<u>ORC</u>	<u>Offense</u>	<u>Misdemeanor</u>	<u>Felony</u>
<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>			