

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>
2903.01	Aggravated murder	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.02	Murder	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.03	Voluntary manslaughter	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.04	Involuntary manslaughter	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.041	Reckless homicide	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.06	Aggravated Vehicular Homicide	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.15	Permitting child abuse	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

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2903.32	Female genital mutilation	Non-rehabilitation offense - caregiver cannot be approved .	Non-rehabilitation offense - caregiver cannot be approved .
2905.05	Criminal child enticement	Non-rehabilitation offense - caregiver cannot be approved .	Non-rehabilitation offense - caregiver cannot be approved .
2905.32	Trafficking in persons	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.02	Rape	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.03	Sexual battery	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.04	Unlawful sexual conduct with a minor	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.05	Gross sexual imposition	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.12	Felonious sexual penetration (as this former section of law existed)	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

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2907.19	Commercial sexual exploitation of a minor	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.21	Compelling prostitution	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.31	Disseminating matter harmful to juveniles	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.321	Pandering obscenity involving a minor	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.322	Pandering sexually oriented matter involving a minor	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2907.323	Illegal use of a minor in nudity-oriented material or performance	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.10	Abortion related to finding of down syndrome	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.12	Unlawful abortion	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

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2919.121	Unlawful abortion upon a minor	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.123	Unlawful distribution of an abortion-inducing drug	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.124	Unlawful performance of a drug induced abortion	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.13	Abortion manslaughter; failure to render medical care to an infant born alive	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.15	Dismemberment abortion	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.151	Partial birth feticide	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.17	Terminating or attempting to terminate human pregnancy after viability	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.193	Determination of detectable fetal heartbeat	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

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2919.194	Procedures after detection of fetal heartbeat	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.195	Performance of abortion after detection of fetal heartbeat	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.201	Abortion after gestational age of 20 weeks	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.22	Endangering children	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2919.25	Domestic violence	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

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

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

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

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

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

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<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>
959.13	Cruelty to animals	√	√
2151.421	Reporting child abuse or neglect	√	√
2903.16	Failing to provide for a functionally impaired person	√	√
2903.21	Aggravated menacing	√	√
2903.211	Menacing by stalking	√	√
2903.22	Menacing	√	√
2903.34	Patient abuse, neglect	√	√
2905.01	Kidnapping	√	√
2905.02	Abduction	√	√
2905.11	Extortion	√	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	√	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	√	√
2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	√	√
2907.32	Pandering obscenity	√	√
2909.02	Aggravated arson	√	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	√	√
2909.24	Terrorism	√	√
2911.01	Aggravated robbery	√	√
2911.02	Robbery	√	√
2911.11	Aggravated burglary	√	√
2911.12	Burglary	√	√
2913.49	Identity Fraud	√	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	√	√
2919.21	Nonsupport or contributing to nonsupport of dependents	√	√
2919.23	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)	√	√
2919.24	Contributing to unruliness or delinquency of a child	√	√
2919.27	Violating protection order	√	√

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			<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>			