

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**Criminal History Affidavit**

Applicant's Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Have you ever been arrested for or convicted of any offense set forth in DCYF Policy 900.0040, Criminal Records Checks Addendum – Disqualifying Information?  Yes  No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, attest that the information contained in this affidavit is complete and accurate and understand that any false representation may be cause for denial or termination of employment or denial or revocation of licensure or certification. I further agree to apply to the Bureau of Criminal Identification of the State or local Police for a nationwide criminal records check prior to beginning employment. I also understand the Department and/or employer will receive information relating to the results of the criminal records check. I understand if there is a question as to the conviction information, I am entitled to appeal to the FBI. If there is a question as to my denial or termination of employment or denial or revocation of licensure or certification due to the results of the criminal records check, I am entitled to appeal to the DCYF Administrative Hearing Officer.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me on this date \_\_\_\_\_

\_\_\_\_\_  
Notary Public

## RI DCYF Criminal Records Checks - Disqualifying Information

The arrest and conviction\* or arrest pending disposition for one of the criminal offenses listed below or for any offense, which involves elements of proof that are substantially similar to the offenses listed below, disqualifies an individual from serving in a child caring capacity in a program or service operated by or for DCYF and/or requiring licensure or certification by DCYF or residing in a household wherein such a program or service is provided or from owing or operating any such program or service or from serving as a DCYF employee, intern, volunteer or consultant or from functioning in any other capacity subject to a statewide or nationwide criminal background check in accordance with federal and/or state law or DCYF rule.

\* For purposes of this protocol, "conviction" means a judgment of conviction entered by a court subsequent to a finding of guilty. Further, any case where a defendant has entered a plea of nolo contendere and has received a sentence that includes a fine and/or a period of incarceration shall constitute a conviction. In addition, any instance where the defendant has entered a plea of nolo contendere and has received a sentence of only probation shall constitute a conviction while the probationary period is pending.

### LEVEL 1 OFFENSES

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, that individual shall have a right to appeal for the purpose of demonstrating that he or she has not been arrested and/or convicted for such an offense.

- Felony Child Abuse or Neglect
- Felony Domestic Violence
- Felony committed against a child
  - 1<sup>st</sup> Degree Child Molestation
  - 2<sup>nd</sup> Degree Child Molestation
  - Child Pornography
  - Circulation of obscene publications and shows
  - Sale or exhibition to minor of indecent publications, pictures or articles
  - Child nudity in publication
  - Transportation for Indecent purposes
  - Harboring
  - Prostitution
  - Pandering
  - Deriving support or maintenance from prostitution
- Felony Drug Offense committed less than five (5) years ago
- Felony involving violence
  - Murder
  - Manslaughter
  - Rape
  - 1<sup>st</sup> Degree Sexual Assault
  - 2<sup>nd</sup> Degree Sexual Assault
  - Kidnapping
  - Car-jacking
  - 1<sup>st</sup> Degree Arson
  - 2<sup>nd</sup> Degree Arson
  - Mayhem
  - Felony Assault committed less than five (5) years ago
  - Felony Battery committed less than five (5) years ago

### LEVEL 2 OFFENSES

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, that individual shall have a right to appeal for the purpose of demonstrating his or her long standing record of excellence in child care:

- Felony Assault committed over five (5) years ago
- Felony Battery committed over five (5) years ago
- Felony Drug Offense committed over five (5) years ago
- Robbery
- Breaking and Entering
- Burglary
- Illegal Possession of a Firearm
- Misdemeanor Domestic Assault
- 3<sup>rd</sup> Degree Sexual Assault

If an individual is disqualified for the arrest and/or conviction for any of the following offenses, when the offense does not involve a child, that individual shall have a right to appeal for the purpose of demonstrating his or her long standing record of excellence in child care:

- Transportation for Indecent purposes
- Harboring
- Prostitution
- Pandering
- Deriving support or maintenance from prostitution
- Circulation of obscene publications and shows