AMENDED

ACTION: Final AMENDED DATE: 11/21/2024 8:58 AM DISQUALIFYING OFFENSES FOR FOSTER GAREGIVERS AND HOUSEHOLD MEMBERS 5101:2-5-09.1

Non-rehabilitative felony offenses. Misdemeanor offenses must be evaluated using the rehabilitative criteria in in Appendix C of this rule but are not automatically disqualifying.

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ORC	<u>Offense</u>	Misdemeanor	<u>Felony</u>
<u>2903.01</u>	Aggravated murder	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved
<u>2903.02</u>	<u>Murder</u>	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved
<u>2903.03</u>	Voluntary manslaughter	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved
<u>2903.04</u>	Involuntary manslaughter	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved
<u>2903.041</u>	Reckless homicide	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved
<u>2903.06</u>	Aggravated Vehicular Homicide; vehicular homicide; vehicular manslaughter	√	Non- rehabilitation offense - caregiver cannot be approved
2903.32	Female genital mutilation	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved

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

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

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

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

Felony con	ve offense if felony conviction occ victions after five years and misd g the rehabilitative criteria in App automatically disqualif	emeanor offensendix C of this i	ses must be
<u>2903.08</u>	Aggravated Vehicular Assault; Vehicular Assault	√	Non- rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
<u>2903.11</u>	Felonious assault	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
<u>2903.12</u>	Aggravated assault	<u>N/A</u>	Non- rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
<u>2903.13</u>	<u>Assault</u>	√_	Non- rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years

<u>2925.02</u>	Corrupting another with drugs	<u>N/A</u>	Non-
			rehabilitation offense -
			caregiver
			cannot be
			approved if
			conviction occurred within
			the last five
			years
<u>2925.03</u>	Trafficking, aggravated trafficking in	$\underline{\checkmark}$	Non-
	<u>drugs</u>		rehabilitation
			<u>offense -</u>
			caregiver
			cannot be approved if
			conviction
			occurred within
			the last five
			<u>years</u>
<u>2925.04</u>	Illegal manufacture of drugs or	$\underline{\checkmark}$	Non-
	<u>cultivation of marijuana</u>		rehabilitation
			offense -
			<u>caregiver</u> cannot be
			approved if
			conviction
			occurred within
			the last five
			<u>years</u>
<u>2925.041</u>	Illegal assembly or possession of	<u>N/A</u>	Non-
	chemicals for manufacture of drugs		rehabilitation offense -
			<u>caregiver</u>
			cannot be
			approved if
			conviction
			occurred within
			the last five
0005.05		N1/A	<u>years</u>
<u>2925.05</u>	Funding of drug or marijuana	<u>N/A</u>	Non-
	<u>trafficking</u>		rehabilitation offense -
			caregiver
			cannot be
			approved if
			conviction
			occurred within
			the last five
			<u>years</u>

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

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

All other offense	s marked with a $$ that must be eva	aluated using th	e rehabilitative
criteria in Appendix C of this rule .			
<u>959.13</u>	Cruelty to animals	<u>√</u>	<u>N/A</u>
<u>2151.421</u>	Reporting child abuse or neglect	√	N/A
<u>2903.15</u>	Permitting child abuse	√	<u>√</u>
<u>2903.16</u>	Failing to provide for a functionally impaired person	$\underline{\checkmark}$	$\underline{\checkmark}$
2903.21	Aggravated menacing	√	√
2903.211	Menacing by stalking	$\sqrt{}$	$\sqrt{}$
<u>2903.22</u>	<u>Menacing</u>	√	<u>√</u>
<u>2903.34</u>	Patient abuse, neglect	$\sqrt{}$	<u>√</u>
<u>2905.01</u>	<u>Kidnapping</u>	N/A	<u>√</u>
2905.02	Abduction	N/A	$\sqrt{}$
2905.11	<u>Extortion</u>	N/A	√
2907.06	Sexual imposition		$\sqrt{}$
<u>2907.07</u>	<u>Importuning</u>	N/A	√
2907.08	<u>Voyeurism</u>	$\sqrt{}$	√
<u>2907.09</u>	Public indecency	<u>√</u>	<u>√</u>
<u>2907.22</u>	Promoting prostitution	N/A	_√
<u>2907.23</u>	Enticement or solicitation to	_√	_√
	patronize a prostitute; procurement		
	of a prostitute for another		,
<u>2907.25</u>	Prostitution – after positive HIV test	N/A	√
<u>2907.32</u>	Pandering obscenity	<u>N/A</u>	√
<u>2909.02</u>	<u>Aggravated arson</u>	N/A	√
<u>2909.03</u>	<u>Arson</u>	<u>√</u>	_√
2909.22	Soliciting or providing support for act of terrorism	$\underline{\checkmark}$	$\underline{\checkmark}$
2909.23	Making terroristic threat	N/A	$\underline{\checkmark}$
2909.24	Terrorism	One degree hig	her than the most
			rlying specified
		offense the defe	endant committed
		(If the offense w	vas a third-degree
			rrorism charge
			ffense would be a
			felony) This could
			ing offense if the
			rge was a non-
2011.01	Aggresseted weekleems		rime listed above.
<u>2911.01</u> 2911.02	Aggravated robbery Robbery	N/A N/A	<u>V</u>
<u>2911.02</u> 2911.11	Aggravated burglary	N/A	<u>N</u>
			<u> </u>
<u>2911.12</u>	<u>Burglary</u>	N/A	<u>\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ </u>
<u>2913.49</u>	Identity Fraud	N/A	√
<u>2917.01</u>	Inciting to violence	<u>√</u>	√
<u>2917.02</u>	Aggravated riot	<u>N/A</u>	$\underline{\checkmark}$
<u>2919.21</u>	Nonsupport or contributing to	<u>N/A</u>	<u>√</u>

	nonsupport of dependents		
2040.00		. 1	
<u>2919.23</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>V</u>
<u>2919.24</u>	Contributing to unruliness or delinquency of a child	₹	<u>N/A</u>
<u>2919.27</u>	Violating protection order	<u>N/A</u>	If special circumstances exist, as described in 2919.27(B)(3) or (4)
<u>2923.12</u>	Carrying concealed weapons	$\underline{\checkmark}$	$\underline{\checkmark}$
<u>2923.13</u>	Having weapons while under disability	<u>N/A</u>	√_
<u>2923.161</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>N/A</u>	√
<u>2923.17</u>	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	<u>N/A</u>	√
<u>2923.21</u>	Improperly furnishing firearms to minor	<u>N/A</u>	√_
<u>2923.42</u>	Participating in criminal gang	N/A	√
<u>2927.12</u>	Ethnic intimidation	√	√
<u>3716.11</u>	Placing harmful objects in food or confection	√	<u>N/A</u>
4511.19	Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC sting or former law of this state, any oth	Only a disqualifying offense if two or more violations have been committed within the past 3 years	Only a disqualifying offense if two or more violations have been committed within the past 3 years

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.