

SECRETARY'S LIST OF CRIMES AND NEGATIVE ACTIONS FOR CHILD WELFARE AND EARLY LEARNING PROVIDERS

Implementation for Early Learning Providers in
Fall of 2020



Washington State Department of
CHILDREN, YOUTH & FAMILIES

Introduction

The Department of Children, Youth, and Families (DCYF) must adhere to federal 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 federally disqualifying, but may relate directly to child safety, permanence or well-being.

Federal Public Laws

- Child Welfare must adhere to the federally disqualifying crimes in the Adoption and Safe Families Act [Public Law 105-89](#).
- Early Learning must adhere to the federally disqualifying crimes in the Child Care and Develop Grant Act [Public Law 113-186](#).

Glossary of Terms

- **Acquitted** means a court of law determined an individual is **not** guilty in a criminal trial.
- **Anticipatory Offenses** are crimes that has as its object a further crime, such as attempt, conspiracy or solicitation, all of which are crimes in themselves. When the following anticipatory offenses appear in conjunction with a crime on this list it is treated the same as the listed crime it precedes:
 - Attempt [RCW 9A.28.020](#)
 - Conspiracy [RCW 9A.28.040](#)
 - Solicitation [RCW 9A.28.030](#)
- **Convicted or Guilty Disposition** means an individual plead or was found guilty by a court of law.
- **Criminal Enhancement** is an aggravating factor for some crimes. When the following criminal enhancements appear in conjunction with any crime, including those **not** on this list, a character, competence and suitability assessment is required:
 - Domestic Violence [RCW 10.99.020](#)
 - Sexual Motivation [RCW 9.94A.835](#)
- **Dismissed** means the court or prosecutor decided a criminal charge against an individual should **not** go forward, terminating the criminal case. Dismissed may also refer to the sentence, or punishment. A dismissed sentence means the individual satisfactorily completed the conditions or requirements of the sentence and the disposition of guilty may remain on the individual's Record of Arrests and Prosecutions. The department must refer to the final disposition or status of the criminal charge when assessing an individual's suitability.
- **Pending Crime** - DCYF must **not** license, contract, certify or authorize a person to have unsupervised access to children if they have a criminal charge pending for a disqualifying crime described on this list, or a criminal charge pending for a disqualifying crime that may relate directly to child safety, permanence or well-being.
- **Negative Action** is a negative licensing action or other civil or administrative determination resulting from a procedure that affords appropriate due process. A negative action defined in [RCW 43.216.010](#) also includes:
 - A decision issued by an administrative law judge;
 - A final determination, decision or finding made by an agency following an investigation;
 - An adverse 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;
 - A revocation, denial or restriction placed on any professional license; or
 - A final decision of a disciplinary board.
- **Vacated** means to nullify a judgment or set aside the verdict of guilt. Vacated convictions do **not** apply to this list or used to assess suitability as outlined in [RCW 9.94A.640\(3\)\(a\)](#).

Legend

- Programs **in purple font** (Child Welfare or Early Learning) represent the crime as federally disqualifying.
- Programs **in orange font** (Child Welfare or Early Learning) represent crimes that are **not** federally disqualifying, 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.

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|--|
| Abandonment of a Dependent Person 1 (class B felony) RCW 9A.42.060 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Abandonment of a Dependent Person 2 (class C felony) RCW 9A.42.070 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Abandonment of a Dependent Person 3 (gross misdemeanor) RCW 9A.42.080 | | | Child Welfare Early Learning |
| Aggravated Murder 1 (class A felony) RCW 10.95.020 | Child Welfare Early Learning | | |
| Animal Cruelty 1 (class C felony) RCW 16.52.205 | | | Child Welfare Early Learning |
| Animal Cruelty 2 (gross misdemeanor) RCW 16.52.207 | | | Child Welfare Early Learning |
| Arson 1 (class A felony) RCW 9A.48.020 | Early Learning | | Child Welfare |
| Arson 2 (class B felony) RCW 9A.48.030 | Early Learning | | Child Welfare |
| Assault 1 (class A felony) RCW 9A.36.011 | Child Welfare (if child or spouse is involved) Early Learning | Child Welfare (if child or spouse is not involved) | |
| Assault 2 (class A felony) RCW 9A.36.021 | Child Welfare (if child or spouse is involved) Early Learning | Child Welfare (if child or spouse is not involved) | |
| Assault 3 (class C felony) RCW 9A.36.031 | Early Learning (if causes bodily harm) | Child Welfare (if causes bodily harm) | Child Welfare Early Learning (if no bodily harm) |
| Assault 4 (class C felony or gross misdemeanor) RCW 9A.36.041 | | | Child Welfare Early Learning |
| Assault of a Child 1 (class A felony) RCW 9A.36.120 | Child Welfare Early Learning | | |
| Assault of a Child 2 (class B felony) RCW 9A.36.130 | Child Welfare Early Learning | | |
| Assault of a Child 3 (class C felony) RCW 9A.36.140 | Child Welfare Early Learning | | |

Secretary's List of Crimes and Negative Actions for Child Welfare and Early Learning Providers

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|--|--|---|---|
| Burglary 1 (class A felony) RCW 9A.52.020 | Child Welfare Early Learning (if child or spouse is assaulted) | | Child Welfare Early Learning (if child or spouse is not assaulted) |
| Burglary 2 (class B felony) RCW 9A.52.030 | | | Child Welfare Early Learning |
| Child Molestation 1 (class A felony) RCW 9A.44.083 | Child Welfare Early Learning | | |
| Child Molestation 2 (class B felony) RCW 9A.44.086 | Child Welfare Early Learning | | |
| Child Molestation 3 (class C felony) RCW 9A.44.089 | Child Welfare Early Learning | | |
| Child Selling – Child Buying (class C felony) RCW 9A.64.030 | Child Welfare Early Learning | | |
| Coercion (gross misdemeanor) RCW 9A.36.070 | | | Child Welfare Early Learning |
| Commercial Sexual Abuse of a Minor (class B felony) RCW 9.68A.100 | Child Welfare Early Learning | | |
| Communication with Minor for Immoral Purposes (class C felony or gross misdemeanor) RCW 9.68A.090 | Child Welfare Early Learning (if felony) | | Child Welfare Early Learning (if misdemeanor) |
| Controlled Substances Homicide (class B felony) RCW 69.50.415 | Early Learning (if victim is a child) | Child Welfare | Early Learning (if victim is not a child) |
| Criminal Gang Intimidation (class C felony) RCW 9A.46.120 | | | Child Welfare Early Learning |
| Criminal Impersonation 1 (class C felony) RCW 9A.60.040 | | | Child Welfare Early Learning |
| Criminal Mistreatment 1 (class B felony) RCW 9A.42.020 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Criminal Mistreatment 2 (class C felony) RCW 9A.42.030 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Criminal Mistreatment 3 (gross misdemeanor) RCW 9A.42.035 | | | Child Welfare Early Learning |
| Criminal Mistreatment 4 (misdemeanor) RCW 9A.42.037 | | | Child Welfare Early Learning |
| Criminal Sabotage (class B felony) RCW 9.05.060 | | | Child Welfare Early Learning |

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| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|--|
| Custodial Assault (class C felony) RCW 9A.36.100 | Early Learning (if causes bodily harm) | Child Welfare (if causes bodily harm) | Child Welfare Early Learning (if no bodily harm) |
| Custodial Interference 1 (class C felony) RCW 9A.40.060 | Child Welfare Early Learning (if injury to child) | | Child Welfare Early Learning (if no injury to child) |
| Custodial Interference 2 (class C felony or gross misdemeanor) RCW 9A.40.070 | Child Welfare Early Learning (if felony and injury to child) | | Child Welfare Early Learning (if felony and no injury to child or if misdemeanor) |
| Custodial Sexual Misconduct 1 (class C felony) RCW 9A.44.160 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Custodial Sexual Misconduct 2 (gross misdemeanor) RCW 9A.44.170 | | | Child Welfare Early Learning |
| Cyberstalking (class C felony or gross misdemeanor) RCW 9.61.260 | | | Child Welfare Early Learning (if felony or misdemeanor) |
| Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1 or 2 (both degrees are class B felony) RCW 9.68A.050 | Child Welfare Early Learning | | |
| Drive-by shooting (class B felony) RCW 9A.36.045 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Driving Under the Influence (class B felony or gross misdemeanor) RCW 46.61.502 | | | Child Welfare Early Learning (if felony or within 3 years) |
| Endangerment with a Controlled Substance (class B felony) RCW 9A.42.100 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Extortion 1 (class B felony) RCW 9A.56.120 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Extortion 2 (class C felony) RCW 9A.56.130 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Failure to Register as Kidnapping Offender or Sex Offender (class C felony or gross misdemeanor) RCW 9A.44.132 | | | Child Welfare Early Learning |

Secretary's List of Crimes and Negative Actions for Child Welfare and Early Learning Providers

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|---|
| 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)) | | | Child Welfare Early Learning |
| Furnishing Liquor to Minors (gross misdemeanor) RCW 66.44.270 | | | Child Welfare Early Learning |
| Harassment (class C felony or gross misdemeanor) RCW 9A.46.020 | Child Welfare (if felony) | | Child Welfare (if misdemeanor) Early Learning (if felony or misdemeanor) |
| Hate Crime (class C felony) RCW 9A.36.080 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Hit and Run Attended (class B or C felony or gross misdemeanor) RCW 46.52.020 | | | Child Welfare Early Learning (if felony) |
| Homicide by Abuse (class A felony) RCW 9A.32.055 | Child Welfare (all victims) Early Learning (if victim is a child) | | Early Learning (if victim is not a child) |
| Homicide by Watercraft (class A felony) RCW 79A.60.050 | Child Welfare (if victim is a child) | | Child Welfare (if victim is not a child) Early Learning |
| Incendiary Devices – Possession, Manufacture or Disposing of (class B felony) RCW 9.40.120 | | | Child Welfare Early Learning |
| Incest 1 or 2 (class B or C felony) RCW 9A.64.020 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Indecent Exposure (class C felony or gross misdemeanor) RCW 9A.88.010 | Child Welfare Early Learning (if felony and victim is a child) | | Child Welfare Early Learning (if felony and victim is not a child or if misdemeanor) |
| Indecent Liberties (class A or B felony) RCW 9A.44.100 | Child Welfare Early Learning | | |
| Kidnapping 1 (class A felony) RCW 9A.40.020 | Child Welfare (if victim is a child) Early Learning | | Child Welfare (if victim is not a child) |

Secretary's List of Crimes and Negative Actions for Child Welfare and Early Learning Providers

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|--|---|--|
| Kidnapping 2 (class B felony) RCW 9A.40.030 | Child Welfare (if victim is a child) Early Learning | | Child Welfare (if victim is not a child) |
| Leading Organized Crime (class A or B felony) RCW 9A.82.060 | | | Child Welfare Early Learning |
| Leaving Children Unattended in Parked Automobile (gross misdemeanor) RCW 9.91.060 | | | Child Welfare Early Learning |
| Leaving Children Unattended in Standing Vehicle with Motor Running (misdemeanor) RCW 46.61.685 | | | Child Welfare Early Learning |
| Luring (class C felony) RCW 9A.40.090 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Malicious Placement of an Explosive 1, 2 or 3 (class A or B felony) RCW 70.74.270 | | | Child Welfare Early Learning |
| Malicious Placement of an Imitation Device 1 or 2 (class B or C felony) RCW 70.74.272 | | | Child Welfare Early Learning |
| Manslaughter 1 (class A felony) RCW 9A.32.060 | Child Welfare (all victims) Early Learning (if victim is a child) | | Early Learning (if victim is not a child) |
| Manslaughter 2 (class B felony) RCW 9A.32.070 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Murder 1 (class A felony) RCW 9A.32.030 | Child Welfare Early Learning | | |
| Murder 2 (class A felony) RCW 9A.32.050 | Child Welfare Early Learning | | |
| 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 Early Learning |

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| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|---|
| Negligent Driving 1 (misdemeanor) RCW 46.61.5249 | | | Child Welfare Early Learning (if within 3 years) |
| Physical Control of Vehicle Under the Influence (class C felony or gross misdemeanor) RCW 46.61.504 | | | Child Welfare Early Learning (if felony) |
| Possession of Depictions of Minor Engaged in Sexually Explicit Conduct 1 or 2 (class B felony) RCW 9.68A.070 | Child Welfare Early Learning | | |
| Promoting Commercial Sexual Abuse of a Minor (class A felony) RCW 9.68A.101 | Child Welfare Early Learning | | |
| Promoting Pornography (class C felony) RCW 9.68.140 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Promoting Prostitution 1 (class B felony) RCW 9A.88.070 | Child Welfare (if victim is a child or if involves violence) Early Learning (if victim is a child) | | Child Welfare (if victim is not a child and does not involve violence) Early Learning (if victim is not a child) |
| Promoting Prostitution 2 (class C felony) RCW 9A.88.080 | | | Child Welfare Early Learning |
| Promoting Suicide Attempt (class C felony) RCW 9A.36.060 | | | Child Welfare Early Learning |
| Promoting Travel for Commercial Sexual Abuse of a Minor (class C felony) RCW 9.68A.102 | Child Welfare Early Learning | | |
| Rape 1 (class A felony) RCW 9A.44.040 | Child Welfare Early Learning | | |
| Rape 2 (class A felony) RCW 9A.44.050 | Child Welfare Early Learning | | |
| Rape 3 (class C felony) RCW 9A.68A.060 | Child Welfare Early Learning | | |
| Rape of a Child 1 (class A felony) RCW 9A.44.073 | Child Welfare Early Learning | | |
| Rape of a Child 2 (class A felony) RCW 9A.44.076 | Child Welfare Early Learning | | |
| Rape of a Child 3 (class C felony) RCW 9A.44.079 | Child Welfare Early Learning | | |
| Reckless Endangerment (gross misdemeanor) RCW 9A.36.050 | | | Child Welfare Early Learning |

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| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|--|
| Rendering Criminal Assistance 1 (class B felony or gross misdemeanor) RCW 9A.76.070 | | | Child Welfare Early Learning (if felony or misdemeanor) |
| Residential Burglary (class B felony) RCW 9A.52.025 | | | Child Welfare Early Learning |
| Robbery 1 (class A felony) RCW 9A.56.200 | Child Welfare Early Learning (if victim is a child) | Child Welfare (if physical assault) | Child Welfare (if victim is not a child and if no physical assault) Early Learning (if victim is not a child) |
| Robbery 2 (class B felony) RCW 9A.56.210 | Child Welfare Early Learning (if victim is a child) | Child Welfare (if physical assault) | Child Welfare (if victim is not a child and if no physical assault) Early Learning (if victim is not 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 Early Learning | | |
| Sexual Exploitation of a Minor (class B felony) RCW 9.68A.040 | Child Welfare Early Learning | | |
| Sexual Misconduct with a Minor 1 (class C felony) RCW 9A.44.093 | Child Welfare Early Learning | | |
| Sexual Misconduct with a Minor 2 (gross misdemeanor) RCW 9A.44.096 | | | Child Welfare Early Learning |
| Sexually Violating Human Remains (class C felony) RCW 9A.44.105 | | | Child Welfare Early Learning |
| Stalking (class B felony or gross misdemeanor) RCW 9A.46.110 | | | Child Welfare Early Learning |
| Telephone Harassment (class C felony or gross misdemeanor) RCW 9.61.230 | | | Child Welfare Early Learning (if felony) |
| Trafficking 1 or 2 (class A felony) RCW 9A.40.100 | | | Child Welfare Early Learning |
| Unlawful Harboring of a Minor (gross misdemeanor) RCW 13.32A.080 | | | Child Welfare Early Learning |
| Unlawful Imprisonment (class C felony) RCW 9A.40.040 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not a child) |
| Unlawful Use of a Building for Drug Purposes (class C felony) RCW 69.53.010 | | Child Welfare | Early Learning |

Secretary's List of Crimes and Negative Actions for Child Welfare and Early Learning Providers

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|---|---|---|---|
| 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) | | Child Welfare (if victim is not a child) Early Learning |
| Vehicular Assault (class B felony) RCW 46.61.522 | | Child Welfare | Early Learning |
| Vehicular Homicide (class A felony) RCW 46.61.520 | Child Welfare Early Learning (if victim is a child) | | Child Welfare Early Learning (if victim is not 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 | | Early Learning |
| Violation of Civil Anti-Harassment Protection Order (gross misdemeanor) RCW 10.14.170 | | | Child Welfare Early Learning |
| 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 not a child or misdemeanor) Early Learning (if felony or misdemeanor) |
| Violation of the Imitation Controlled Substances Act (manufacture/deliver/intent – class B or C felony) RCW 69.52 | | Child Welfare | Early Learning |

Secretary's List of Crimes and Negative Actions for Child Welfare and Early Learning Providers

| Crime Resulting in a Conviction or Negative Action | Permanently Disqualifying | 5-Year Disqualifying and Character, Competence and Suitability Required | Character, Competence and Suitability Required |
|--|---|---|--|
| Violation of the Uniform Controlled Substances Act (manufacture/deliver/intent – class B or C felony) RCW 69.50 | | Child Welfare | Early Learning |
| Violation of the Uniform Legend Drug Act (manufacture/deliver/intent – class B or C felony) RCW 69.41 | | Child Welfare | Early Learning |
| Violation of the Uniform Precursor Drug Act (manufacture/deliver/intent – class B or C felony) RCW 69.43 | | Child Welfare | Early Learning |
| Voyeurism (class C felony or gross misdemeanor) RCW 9A.44.115 | Child Welfare (if felony and child is involved) | | Child Welfare (if felony and no child is involved or if misdemeanor) Early Learning (if felony or misdemeanor) |