

Child Care Exclusionary Offenses

A Quick Reference Guide

This is a reference guide that may be used to help determine if an individual may be eligible to receive a license for a child care facility, be an adult member of the household, work as child care staff, or be a volunteer with unsupervised access to children in a licensed child care facility.

The following may lead to an individual being found “ineligible” to be connected with a child care facility.

PERMANENT EXCLUSION

*An individual will be found **permanently ineligible** if he/she:*

- Named in a Central Registry Case as a perpetrator of child abuse or child neglect. “Child abuse” and “child neglect” means those terms as defined in Section 2 of the Child Protection Law, 1975 PA 238, MCL 722.622.
- Registered, or is required to be registered on a state sex offender registry or repository or the National Sex Offender Registry.
- Has been **convicted** of a **Felony** consisting of 1 or more of the following or any other state or federal equivalent for the following:
 - 1) Murder or Homicide.
 - 2) Child Abuse or Child Neglect.
 - 3) A crime against a minor child including, but no limited to, child pornography.
 - 4) Spousal abuse or domestic violence.
 - 5) A crime involving rape or sexual assault.
 - 6) Kidnapping.
 - 7) Arson.
 - 8) Physical assault or battery.
 - 9) Human Trafficking or Involuntary Servitude.
- Has been **convicted** of a **Violent Misdemeanor** against a child, including, but not limited to, 1 or more of the following crimes:
 - 1) Child Abuse.
 - 2) Child Endangerment.
 - 3) Sexual Assault.
 - 4) Misdemeanor Child Pornography.

10 YEAR EXCLUSION FROM DATE OF CONVICTION (IF NOT INCLUDED IN THE LIST FOR A PERMANENT EXCLUSION)

An individual will be found ineligible if he/she has a **conviction** for the following **Felonies** or an **Attempt** or **Conspiracy to Commit** 1 or more of the following unless **10 years** have lapsed:

- 1) Felony harm or threatened harm to an individual.
- 2) Felony involving the use of a firearm or dangerous weapon.
- 3) Felony involving cruelty or torture of any person.
- 4) Felony involving a substantial misrepresentation of any material fact, bribery, fraud, larceny, embezzlement, theft, home invasion, breaking and entering, receiving and concealing stolen property or a crime of similar statute.
- 5) Felony involving operating a motor vehicle while intoxicated or impaired causing serious injury or death.
- 6) Felony involving the use of a computer or the internet to commit a crime.
- 7) Felony involving the cruelty to animals, including, but not limited to, fighting, killing, torturing, and abandoning.
- 8) Felony involving aggravated stalking, aggravated indecent exposure by a sexually delinquent person, pandering, transporting an individual for prostitution, and keeping, maintaining or operating a house of ill fame.
- 9) Felony as a Habitual Offender.

7 YEAR EXCLUSION FROM DATE OF CONVICTION

An individual will be found ineligible if he/she has a **conviction** for the following unless **7 years** have lapsed:

- 1) Felony Drug Offense, or an Attempt or Conspiracy to Commit a Felony Drug Offense.

5 YEAR EXCLUSION FROM DATE OF CONVICTION

An individual will be found ineligible if he/she has a **conviction** for the following **Misdemeanors**, **an Attempt** or **Conspiracy to Commit any of those Misdemeanors**, or any other state or federal equivalent unless **5 years** have lapsed:

- 1) Operating under the presence of a controlled substance.
- 2) Use or possession of a controlled substance.
- 3) Selling or furnishing a controlled substance to a minor.
- 4) Using computers to commit a crime.
- 5) Substantial misrepresentation of a material fact.
- 6) Embezzlement.
- 7) Breaking and Entering.
- 8) Any other fraudulent crime except Retail Fraud 3rd Degree, Petty Theft, or Shoplifting.

- 9) Stalking.
- 10) Assault.
- 11) Spousal Abuse.
- 12) Domestic Violence.
- 13) Weapons Offense.
- 14) Harboring Runaways.
- 15) Aiding and Abetting.
- 16) Arson.

Ineligible for that application:

An individual will be found ineligible for that application if he/she:

1. Refuses to submit to the comprehensive background check.
2. Falsifies information in connection to the comprehensive background check.

What else may affect an individual's eligibility to receive or be connected with a child care license?

One of the databases checked by the department is a database to determine if the individual ever had a previous license denied, revoked, or a refusal to renew. If the individual falls under this category, the department will assess the individual to determine if they are eligible to be connected with a child care facility.

In addition, sometimes an individual may not have a conviction for an exclusionary crime, appear on a sex offender, child abuse/neglect registry, or had a previous license revoked/denied, however the licensing division determines that they do not meet the definition of **“Conducive to the Welfare of Children”**. Conducive to the Welfare of Children means the disposition, temperament, condition, and action of the individual promotes the safety and well-being of children served.

Definition of a Conviction under 1973 PA 116 as Revised:

“Conviction means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division of probate court or family division of circuit court for a violation that if committed by an adult would be a crime, or a conviction in a tribal court or a military court”.

- The above information is provided as a resource only. This reference guide may assist in facilitating a discussion with an applicant regarding any disqualifying information they may have in their history. Only an actual submission into the Child Care Background Check Program will lead to a formal finding of eligibility.