

**The Philadelphia Department of Human Services
Children and Youth Division
Policy Guide**

Issue date: June 15, 2007

TO: All CYD Social Work Staff

FROM: Joseph E. Kuna, Ph. D., Acting Deputy Commissioner, CYD
Pamela Mayo, Operations Director

RE: Disqualifying Criminal Offenses for Resource Parent Caregivers

Effective Date: Immediately

The purpose of this guide is to provide a current and complete listing of all disqualifying criminal offenses for resource parent caregivers as required by the Child Protective Services Law (CPSL). The Policy Manual sections that are updated with this guide are Section 5204.3 "CYD social worker's responsibilities if the kinship caregiver home is directly approved and monitored," Section 5341 "Standards for Potential Adoptive Homes (Family Profiles)," and Section 5822.1 "Foster parent qualifications."

Policy

In accordance with the Child Protective Services Law (23 Pa. C. S. §6344), **no** resource parent applicant (foster, kinship or adoptive parent) shall be approved if the applicant's criminal history record information, or the criminal history record information of anyone 14 years or older who resides in the household for 30 days or more per calendar year, indicates that the applicant or household member has been convicted of one or more of the disqualifying offenses below. This includes the *attempt, solicitation or conspiracy* to commit any of the offenses under Title 18 of the Pennsylvania Crimes Code or the equivalent crime under Federal law or the law of another state.

Even if an applicant has not been convicted of a disqualifying offense, the Child Protective Services Law and CYD policy further require that all criminal history information be considered when determining whether to approve or disapprove a resource home and a social work decision made about whether the home should be approved. It is DHS policy to exclude applicants who have an individual 14 years of age or older living in their household with pending charges for offenses which would result in their automatic exclusion if they were subsequently convicted of the crime.

Disqualifying Offenses

- Criminal homicide (18 Pa. Code §2501)
- Murder (18 Pa. Code §2502)
- Voluntary manslaughter (18 Pa. Code §2503)
- Involuntary manslaughter (18 Pa. Code §2504)
- Causing or aiding suicide (18 Pa. Code §2505)
- Drug delivery resulting in death (18 Pa. Code §2506)

- Aggravated assault (18 Pa. Code §2702)
- Stalking (18 Pa. Code §2709.1)
- Kidnapping (18 Pa. Code §2901)
- Unlawful restraint (18 Pa. Code §2902)
- Rape (18 Pa. Code §3121)
- Statutory sexual assault (18 Pa. Code §3122.1)
- Involuntary deviate sexual intercourse (18 Pa. Code §3123)
- Sexual assault (18 Pa. Code §3124.1)
- Aggravated indecent assault (18 Pa. Code §3125)
- Indecent Assault (18 Pa. Code §3126)
- Indecent Exposure (18 Pa. Code §3127)
- Incest (18 Pa. Code §4302)
- Concealing death of child (18 Pa. Code §4303)
- Endangering welfare of children (18 Pa. Code §4304)
- Dealing in infant children (18 Pa. Code §4305)
- Prostitution-felonies (18 Pa. Code §5902(b))
 - Promoting prostitution ((b)(1):owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution
 - Promoting prostitution(b)(2):procuring an inmate for a house of prostitution or prostitution business
 - Promoting prostitution (b)(3):encouraging, inducting, or otherwise intentionally causing another to become or remain a prostitute
 - Compelling another to engage in or promote prostitution (c)(ii)
 - Promoting prostitution of a child under 16 years, whether or not aware of the age of the child(c)(iii)
 - Promoting prostitution of his spouse, child, ward or any person for whose care, protection or support he is responsible (c)(iv)
 - Knowingly promoting prostitution of another who has HIV or infected with the AIDS virus (c)(v)
- Obscene and other sexual materials (18 Pa. Code §5903(c) or (d))
 - Dissemination of explicit sexual materials to a minor (18 Pa. Code 5903(c))
 - Admitting a minor to a show that depicts nudity, sexual conduct or sadomasochistic abuse
- Corruption of minors (18 Pa. Code §6301)
- Sexual abuse of children ((18 Pa. Code §6312)
- Felony offenses under the Controlled Substance, Drug, Device, and Cosmetic Act within the 5 year period immediately preceding verification.

This includes the *attempt, solicitation or conspiracy* to commit any of the offenses under Title 18 of the Pennsylvania Crimes Code or the equivalent crime under Federal law or the law of another state.

Questions about whether a conviction is a disqualifying offense should be forwarded to the Law Department. Questions regarding information in this Policy Guide can be sent to:

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