

# ARIZONA DEPARTMENT OF HEALTH SERVICES

## OFFICE OF CHILD CARE LICENSING CRIMINAL HISTORY AFFIDAVIT

**Complete this form immediately upon beginning employment, and at the time of reapplication for a Fingerprint Clearance Card.  
(All requested information is required.)**

Applicant's Name (First, Middle, Last)

Social Security Number

Birth date

Applicant's Address (#, Street, City, State, Zip)

Facility Name

Facility Address (#, Street, City, State, Zip)

OR

CDC/SGH #

Pursuant to A.R.S. § 36-883.02(H), for purposes of this section, "child care personnel" means any employee or volunteer working at a child care facility. Pursuant to A.R.S. § 36-897.03(I), for purposes of this section, "child care personnel" means all employees of and persons who are eighteen years of age or older and who reside in a child care group home that is certified by the department.

Pursuant to A.R.S. § 36-883.02(C) and 36-897.03(B), child care personnel shall certify on forms that are provided by the department that:

- 1. Are you awaiting trial on or have you ever been convicted of or admitted in open court or pursuant to a plea agreement committing any of the offenses listed in A.R.S. § 41-1758.03(B) for centers, (B) or (C) for Group Homes, in this state or similar offenses in another state or jurisdiction?**     YES     NO

41-1758.03.    Fingerprint clearance cards: issuance: immunity

B. A person who is subject to registration as a sex offender in this state or any other jurisdiction or who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card:

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|---|--|---|
| 1. Sexual abuse of a vulnerable adult.                                  | 16. Exploitation of minors involving drug offenses.  | 25. Luring a minor for sexual exploitation.   |
| 2. Incest.  | 17. Taking a child for the purposes of prostitution as prescribed in section 13-3206.                                | 26. Enticement of persons for purposes of prostitution.                             |
| 3. First or second degree murder.                                       | 18. Neglect or abuse of a vulnerable adult.  | 27. Procurement by false pretenses of person for purposes of prostitution.          |
| 4. Sexual assault.  | 19. Sex trafficking.   | 28. Procuring or placing persons in a house of prostitution.                        |
| 5. Sexual exploitation of a minor.                                      | 20. Sexual abuse.  | 29. Receiving earnings of a prostitute.   |
| 6. Sexual exploitation of a vulnerable adult.                           | 21. Production, publication, sale, possession and presentation of obscene items as prescribed in section 13-3502.    | 30. Causing one's spouse to become a prostitute.                                    |
| 7. Commercial sexual exploitation of a minor.                           | 22. Furnishing harmful items to minors as prescribed in section 13-3506.   | 31. Detention of persons in a house of prostitution for debt.                       |
| 8. Commercial sexual exploitation of a vulnerable adult.                | 23. Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01.                     | 32. Keeping or residing in a house of prostitution or employment in prostitution.   |
| 9. Child prostitution as prescribed in section 13-3212.                 | 24. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512. | 33. Pandering.  |
| 10. Child abuse.  |  | 34. Transporting persons for the purpose of prostitution, polygamy and concubinage. |
| 11. Abuse of a vulnerable adult.  |  | 35. Portraying adult as a minor as prescribed in section 13-3555.                   |
| 12. Sexual conduct with a minor.  |  |   |
| 13. Molestation of a child.   |  |   |
| 14. Molestation of a vulnerable adult.                                  |  |   |
| 15. A dangerous crime against children as defined in section 13-604.01. |  |   |

C. A person who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card, except that the person may petition the board of fingerprinting for a good cause exception pursuant to section 41-619.55:

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| 1. Manslaughter.   | 23. Fraudulent use of a credit card.   | 40. Possession or possession with intent to use an imitation controlled substance.   |
| 2. Endangerment.   | 24. Possession of any machinery, plate or other contrivance or incomplete credit card. | 41. Possession or possession with intent to use an imitation prescription-only drug.   |
| 3. Threatening or intimidating.  | 25. False statement as to financial condition or identity to obtain a credit card.     | 42. Possession or possession with intent to use an imitation over-the-counter drug.  |
| 4. Assault.  | 26. Fraud by persons authorized to provide goods or services.                          | 43. Manufacture of certain substances and drugs by certain means.  |
| 5. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs. | 27. Credit card transaction record theft.  | 44. Adding poison or other harmful substance to food, drink or medicine.   |
| 6. Assault by vicious animals.   | 28. Misconduct involving weapons.  | 45. A criminal offense involving criminal trespass and burglary under title 13, chapter 15.  |
| 7. Drive by shooting.  | 29. Misconduct involving explosives.   | 46. A criminal offense under title 13, chapter 23.   |
| 8. Assaults on officers or fire fighters.  | 30. Depositing explosives.   | 47. Child neglect.   |
| 9. Discharging a firearm at a structure.   | 31. Misconduct involving simulated explosive devices.                                  | 48. Misdemeanor offenses involving contributing to the delinquency of a minor.   |
| 10. Indecent exposure.   | 32. Concealed weapon violation.  | 49. Offenses involving domestic violence.  |
| 11. Public sexual indecency.   | 33. Possession and sale of peyote.   | 50. Arson.   |
| 12. Aggravated criminal damage.  | 34. Possession and sale of a vapor-releasing substance containing a toxic substance.   | 51. Kidnapping.  |
| 13. Theft.   | 35. Sale of precursor chemicals.   | 52. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs. |
| 14. Theft by extortion.  | 36. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs.           |  |
| 15. Shoplifting.   | 37. Manufacture or distribution of an imitation controlled substance.                  |  |
| 16. Forgery.   | 38. Manufacture or distribution of an imitation prescription-only drug.                |  |
| 17. Criminal possession of a forgery device.   | 39. Manufacture or distribution of an imitation over-the-counter drug.                 |  |
| 18. Obtaining a signature by deception.  |  |  |
| 19. Criminal impersonation.  |  |  |
| 20. Theft of a credit card or obtaining a credit card by fraudulent means.           |  |  |
| 21. Receipt of anything of value obtained by fraudulent use of a credit card.        |  |  |
| 22. Forgery of a credit card.  |  |  |

- 54. Aggravated assault.
- 55. Felony offenses involving contributing to the delinquency of a minor.
- 56. Negligent homicide.
- 57. Criminal damage.
- 58. Misappropriation of charter school monies as prescribed in section 13-1818.

- 59. Taking identity of another person or entity.
- 60. Aggravated taking identity of another person or entity.
- 61. Trafficking in the identity of another person or entity.
- 62. Cruelty to animals.
- 63. Prostitution.

- 64. Sale or distribution of material harmful to minors through vending machines as prescribed in section 13-3513.
- 65. Welfare fraud.

2. Are you a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201?  YES  NO

8-201. Definitions

13. "Dependent child":

(a) Means a child who is adjudicated to be:

- (i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.
- (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care.
- (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child.
- (iv) Under the age of eight years and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.
- (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-604.

(b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists.

3. **For Centers:** Have you been denied or had revoked a certificate to operate a child care group home or a license to operate a child care facility in this or any other state, or have you been denied or had revoked a certificate to work in a child care facility or a child care group home?

YES  NO

**For Group Homes:** Have you been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state, or had a license to operate a child care facility or a certificate to operate a child care group home revoked for reasons that relate to the endangerment of the health and safety of children?

YES  NO

Pursuant to A.R.S. § 36-883.02(E), and A.R.S. § 36-897.03(E), the forms are confidential.

Pursuant to A.R.S. § 36-883.02(F), a child care facility shall not allow a person to be employed or volunteer in the facility in any capacity if the person has been denied a fingerprint clearance card pursuant to Title 41, Chapter 12, Article 3.1 or has not received an interim approval from the Board of Fingerprinting pursuant to A.R.S. § 41-619.55(I).

**41-619.55. Good cause exceptions; revocation**

I. Pending the outcome of a good cause exception determination, the board or its hearing officer may issue interim approval in accordance with board rule to continue working to a good cause exception applicant.

Pursuant to A.R.S. § 36-897.03(F), a person who is awaiting trial on or who has been convicted of or who has admitted in open court or pursuant to a plea agreement to committing a criminal offense listed in Section 41-1758.03, subsection B, paragraph 2 or 3 of this section is prohibited from being registered as child care personnel and from being employed in any capacity in a child care group home.

Pursuant to A.R.S. § 36-897.03(G), a person who is awaiting trial on or who has been convicted of or who has admitted in open court or pursuant to a plea agreement to committing a criminal offense listed in Section 41-1758.03, subsection C shall not work in a child care group home without direct visual supervision unless the person has applied for and received the required fingerprint clearance card pursuant to §41-1758 and is registered as child care personnel. A person who is subject to this subsection shall not be employed in any capacity in a child care group home if that person is denied the required fingerprint clearance card.

Pursuant to A.R.S. § 36-883.02(G) and A.R.S. § 36-897.03(H), the employer shall notify the Department of Public safety if the employer receives credible evidence that any child care personnel either:

1. Is arrested for or charged with an offense listed in A.R.S. § 41-1758.03(B).
2. Falsified information on the form required by subsection C for Centers, B for Group Homes, of this section.

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**I hereby certify under penalty of perjury that the answers given above are true and correct to the best of my knowledge and belief.**

Applicant's Signature \_\_\_\_\_