

POTENTIALLY DISQUALIFYING CONVICTIONS AND CRIMINAL CONDITIONS

If you have something potentially disqualifying, BCU conducts a weighing test to make a fitness determination.

Potentially Disqualifying Convictions:

If you have a conviction for a crime, it is potentially disqualifying and subject to a weighing test. A potentially disqualifying crime includes any conviction for crime regardless of when it occurred or where it occurred. This includes:

- All felonies
- All misdemeanors
- All international convictions
- All military convictions

Any expunged or set aside convictions; violations or infractions; or a conviction relating to marijuana if the charge is no longer a criminal offense are not potentially disqualifying.

Potentially Disqualifying Conditions Related to criminal history:

If you are doing this background check for any of these positions, the following potentially disqualifying conditions apply:

- ✓ Employment in any child foster or adoptive home
- ✓ Living in any child foster or adoptive home
- ✓ Staff or volunteer for any type of child caring agency licensed by the Children's Care Licensing Program
- Outstanding warrant in any jurisdiction
- Deferred sentence, conditional discharge, or participating in a diversion program
- An unresolved arrest, charge or a pending indictment
- Arrest in any jurisdiction as a fugitive from another state or a fugitive from justice for a crime that results in a potentially disqualifying conviction or condition
- Adjudication in a juvenile court in any jurisdiction with a finding that the subject individual was responsible for a crime that would result in a conviction if committed by an adult
- A finding of "guilty except for insanity" for a crime
- Currently on probation, parole, or post-prison supervision for a potentially disqualifying conviction
- A violation of post-prison supervision, parole, or probation in the past 5 years for a potentially disqualifying conviction
- Registration as sex offender in any jurisdiction (note: This condition may be due to a conviction or a juvenile adjudication)

In addition, specifically for proctor foster parents:

- Any restraining order or protective order against you
- False statement regarding abuse, restraining orders, or protective orders

Please note: some positions and programs also have mandatory exclusions due to federal or state directives. This means there are convictions which are not "potentially disqualifying" but always results in ineligibility. See Oregon Administrative Rules (OAR) linked below.

If you are doing this background check for any of the following reasons, see [OAR 407-007-0279](#).

- You are applying for or doing a recheck for any of the following, you are subject to the Adam Walsh Act or the Family First Act:
 - A child foster home licensed under the Office of Developmental Disability Services
 - A child foster home licensed by a child caring agency under the Children's Care Licensing Program
 - A child adoptive home licensed by a child caring agency under the Children's Care Licensing Program
 - A household member, 16 years old and above, residing in any kind of child foster or adoptive home listed here.