

Standard Operating Procedure:
Socially Necessary Services
Crimes and Waivers
Effective March 1, 2010
Revised July 1, 2010

1. All employees who work for providers of Socially Necessary Services (or work as independent providers) are required to undergo a background check before employment begins. A background check consists of a Criminal Identification Bureau (CIB) finger-print check completed by the West Virginia State Police and a Child and Adult Protective Services (CPS/APS) background check completed by the Department's Office of Children and Adult Services.
2. Employees must have a clear CPS/APS check. This means there can be no substantiations of child or adult abuse on record. There is no forgiveness for CPS/APS maltreatment substantiations. Individuals cannot work as a Socially Necessary Services provider until verification of clear CPS/APS check is received.
3. Employees shall possess no child or adult maltreatment substantiations, and shall have no criminal convictions in order to be eligible for employment unless a waiver is granted. Waivers may be requested when any of the following conditions apply:
 - a. Any convictions of crimes of deceit or dishonestly are at least 10 years old (i.e., forgery, bad checks);
 - b. DUI convictions must be at least five years old;
 - c. Any convictions involving reckless, erratic and/or dangerous driving behaviors must be at least two years old;
 - d. Any misdemeanor drug convictions must be at least 10 years old;
 - e. An applicant shall not be approved, employed, nor utilized if convicted of two or more misdemeanors unless the most recent conviction is far enough in the past to indicate that behavior change has occurred (3-5 years, depending on the nature of the crime). A waiver, above and beyond any waivers required above, must be requested and approved.
4. Any convictions that are not eligible for waiver under the Department's current CIB policy will not be considered for waiver under the Socially Necessary Services policy. Those crimes are as follows:
 - a. Abduction;
 - b. Any violent felony crime including but not limited to rape, sexual assault, homicide, malicious wounding, unlawful wounding, felonious domestic assault or battery;
 - c. Child/adult abuse or neglect;

- d. Crimes which involve the exploitation of a child or an incapacitated adult;
 - e. Misdemeanor domestic battery or domestic assault;
 - f. Felony arson;
 - g. Felony or misdemeanor crime against a child or incapacitated adult which causes harm;
 - h. Felony drug related offenses within the last ten (10) years;
 - i. Felony DUI within the last ten (10) years;
 - j. Hate crimes;
 - k. Kidnapping;
 - l. Murder/homicide;
 - m. Neglect or abuse by a caregiver;
 - n. Pornography crimes involving children or incapacitated adults including but not limited to, use of minors in filming sexually explicit conduct, distribution and exhibition of material depicting minors in sexually explicit conduct or sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a child engaged in sexually explicit conduct;
 - o. Purchase or sale of a child;
 - p. Sexual offenses including but not limited to incest, sexual abuse, or indecent exposure;
5. Waiver Requests: All waiver requests will be evaluated by Department's Office of Children and Adult Services CIB Waiver Review Committee. Providers wishing to employ any individual with a conviction as listed in Section A should direct the following documents to **Socially Necessary Services Waiver Requests, 350 Capitol Street, Room 691, Charleston, WV 25301**:
- a. A statement from the director of the agency recommending the individual for potential employment. The request will not be considered if the agency does not submit a statement of support.
 - b. If a waiver request is being submitted by an independent provider, a recommendation statement from at least one professional source (prior employer) must be included.
 - c. Criminal Record Statement Form completed by the prospective employee prior to finger prints being sent to the State Police. This allows the prospective employee to explain the surrounding circumstances for any criminal activity that may appear on the CIB check. This document must accompany the request for a waiver.
 - d. CIB results from the West Virginia State Police ;
 - e. a statement of why the waiver should be granted that is completed by the prospective employee. This statement should include statements regarding how behavior has changed since the conviction(s) occurred.

6. Grievances- There is no grievance processes afforded to Socially Necessary Services providers to dispute the waiver guidelines detailed in this policy or to grieve the decisions made by the CIB Waiver Committee.