

FOR YOUR INFORMATION

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Issue 22-10

Date: 06/01/2022

CRIMINAL EXEMPTIONS

Senate Bill (SB) 354, which went into effect on January 1, 2022, allows for convictions which were previously non-exemptible to be considered for exemption when applying for Resource Family Approval (RFA).

Non-Relative RFA Applicants

- Applicants with convictions previously listed as non-exemptible may now request a criminal record exemption after ten (10) years from the date of their conviction, except for the following:
 - No exemptions for felony convictions for: child abuse or neglect; spousal abuse; crimes against children, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery.
- Applicants with a felony conviction for physical assault, battery or a drug or alcohol related offense may seek exemption after five (5) years from the date of their conviction.
- Timelines have shortened for seeking a simplified exemption for the following:
 - No misdemeanor convictions within the last three (3) years (previously five years) or
 - No felony convictions within the last five (5) years (previously seven years).

Relative RFA Applicants

- A relative applicant and other adults living in the home can now seek exemption for previously non-exemptible convictions (with no time lapse limitation) if:
 - The relative is seeking placement of a specific child; and,
 - Is rehabilitated and presently of good character; and,
 - Does not have a felony conviction within the last five (5) years for child abuse or neglect, spousal abuse, rape, sexual assault, homicide, or any other crime against a child, including child pornography.
- Relative RFA applicant placements with the exemptions noted herein are not eligible for federal funding, however, they would qualify for Approved Relative Caregiver (ARC) funding.
- The exemption is nontransferable and is only valid for the purpose of the relative's child-specific RFA approval.
- Relative RFA applicant exemptions and timelines are not applicable to Non-Relative Extended Family Members (NREFMs).



If you have any questions regarding this release please e-mail your question to:

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