



AHCCCS MEDICAL POLICY MANUAL
965, ATTACHMENT C - COMMUNITY SERVICE AGENCY,
CRIMINAL HISTORY AFFIDAVIT

Applicant's Name (First, Middle, last)	Social Security Number	Date of Birth	Phone Number
Applicant's Address	City	State	Zip
Facility Name			
Facility Address	City	State	Zip

A.R.S. § 8-201. Definitions

15. "Dependent child":

In this title, unless the context otherwise requires:

- 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 13-706.
- 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.

Pursuant to A.R.S. § 36-425.03 (L): For the purposes of this section:

- 1."Children's behavioral health program" means a program that provides children's behavioral health services and that is licensed by the department as a behavioral health service agency or that contracts with the department to provide children's behavioral health services.
- 2."Children's behavioral health program personnel" means an owner, employee or volunteer who works at a children's behavioral health program.

Pursuant to A.R.S. § 36-425.03, (E)F Forms submitted pursuant to subsection D of this section are confidential. **Pursuant to A.R.S. § 36-425.03 (D)E** Children's behavioral health program personnel shall certify on forms that are provided by the department and notarized that they are not awaiting trial on or have never been convicted of or admitted in open court or pursuant to a plea agreement to committing any of the offenses listed in section 41- 1758.03, subsection B or C in this state or similar offenses in another state or jurisdiction.

Pursuant to A.R.S. § 36-425.03 (IG) 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 is prohibited from working in any capacity in a children's behavioral health program that requires or allows contact with children.

Pursuant to A.R.S. § 36-425.03 (H), 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, B is prohibited from working with children in any capacity in a~~ ~~of this section shall not work in a~~ children's behavioral health program ~~in any capacity~~ that requires or allows ~~contact with children. the employee to provide direct services to children unless the person has applied for and received the required fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.~~

Pursuant to A.R.S. § 36-425.03 ~~-(KJ)~~ the employer shall notify the department of public safety if the employer receives credible evidence that a person who possesses a valid fingerprint clearance card 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 D of this section.

A.R.S. § 41-619.55 (I) Good cause exceptions; revocation

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.

~~A.R.S. § 36-425.03(D)~~ and A.R.S. § 41-1758.03 (B) Fingerprint clearance cards; issuance:

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:

- | Y | N | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Sexual abuse of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Incest |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. First or second-degree murder |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Sexual assault |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Sexual exploitation of a minor |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Sexual exploitation of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Commercial sexual exploitation of a minor |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Commercial sexual exploitation of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Child prostitution as prescribed in section 13-3212 |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Child abuse |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Abuse of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Sexual conduct with a minor |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Molestation of a child |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Molestation of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. A dangerous crime against children as defined in section 13-705 |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Exploitation of minors involving drug offenses |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Taking a child for the purpose of prostitution as prescribed in section 13-3206 |
| <input type="checkbox"/> | <input type="checkbox"/> | 18. Neglect or abuse of a vulnerable adult |
| <input type="checkbox"/> | <input type="checkbox"/> | 19. Sex trafficking. Criminal impersonation |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Sexual abuse. Theft of a credit card or obtaining a credit card by fraudulent |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Production, publication, sale, possession and presentation of obscene items as |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Furnishing harmful items to minors as prescribed in section 13-3506. Forgery |

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- 23. Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01. ~~Fraudulent use of a credit card~~
- 24. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512. ~~Possession of any machinery, plate or other contrivance~~
- 25. Luring a minor for sexual exploitation. ~~False statement as to financial condition or~~
- 26. Enticement of persons for purposes of prostitution. ~~Fraud by persons authorized to~~
- 27. Procurement by false pretenses of person for purposes of prostitution.
- 28. Procuring or placing persons in a house of prostitution.
- 29. Receiving earnings of a prostitute.
- 30. Causing one's spouse to become a prostitute.
- 31. Detention of persons in a house of prostitution for debt.
- 32. Keeping or residing in a house of prostitution or employment in prostitution.
- 33. Pandering.
- 34. Transporting persons for the purpose of prostitution, polygamy, and
- 35. Portraying adult as a minor as prescribed in section 13-3555.
- 36. Admitting minors to public displays of sexual conduct as prescribed in section
- 37. Unlawful sale or purchase of children.
- 38. Child bigamy.
- 39. Trafficking of persons for forced labor or services.¹

A.R.S. § 41-1758.03 (D) Fingerprint clearance cards; issuance:

A person who is awaiting trial on or who has been convicted of committing or attempting to commit a misdemeanor or felony violation of section 28-1381, 28-1382 or 28-1383 in this state or the same or similar offense in another state or jurisdiction within five years from the date of applying for a fingerprint clearance card is precluded from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. The division shall place a notation on the fingerprint clearance card that indicates this driving restriction. This subsection does not preclude a person from driving a vehicle alone as part of the person's employment. This subsection does not apply to a person who is licensed pursuant to title 32, chapter 20, except if the person is employed by an agency as defined in section 41-1758.²

¹ Section was revised to align with A.R.S. 41-1758.03(B)

² Section added as per A.R.S. 41-1758.03(D).

- | | | | |
|--------------------------|--------------------------|-----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 27. | Credit card transaction record theft |
| <input type="checkbox"/> | <input type="checkbox"/> | 28. | Misconduct involving weapons |
| <input type="checkbox"/> | <input type="checkbox"/> | 29. | Misconduct involving explosives |
| <input type="checkbox"/> | <input type="checkbox"/> | 30. | Depositing explosives |
| <input type="checkbox"/> | <input type="checkbox"/> | 31. | Misconduct involving simulated explosive devices |
| <input type="checkbox"/> | <input type="checkbox"/> | 32. | Concealed weapon violation |
| <input type="checkbox"/> | <input type="checkbox"/> | 33. | Possession and sale of Peyote |
| <input type="checkbox"/> | <input type="checkbox"/> | 34. | Possession and sale of a vapor releasing substance containing a toxic substance |
| <input type="checkbox"/> | <input type="checkbox"/> | 35. | Sale of precursor chemicals |
| <input type="checkbox"/> | <input type="checkbox"/> | 36. | Possession, use or sale of marijuana, dangerous drugs or narcotic drugs |
| <input type="checkbox"/> | <input type="checkbox"/> | 37. | Manufacture or distribution of an imitation controlled substance |
| <input type="checkbox"/> | <input type="checkbox"/> | 38. | Manufacture or distribution of an imitation prescription only drug |
| <input type="checkbox"/> | <input type="checkbox"/> | 39. | Manufacture or distribution of an imitation over the counter drug |
| <input type="checkbox"/> | <input type="checkbox"/> | 40. | Possession or possession with intent to use an imitation controlled substance |
| <input type="checkbox"/> | <input type="checkbox"/> | 41. | Possession or possession with intent to use an imitation prescription only drug |
| <input type="checkbox"/> | <input type="checkbox"/> | 42. | Possession or possession with intent to use an imitation over the counter drug |
| <input type="checkbox"/> | <input type="checkbox"/> | 43. | Manufacture of certain substances and drugs by certain means |
| <input type="checkbox"/> | <input type="checkbox"/> | 44. | Adding poison or other harmful substance to food, drink or medicine |
| <input type="checkbox"/> | <input type="checkbox"/> | 45. | A criminal offense involving criminal trespass and burglary under title 13, chapter 15 |
| <input type="checkbox"/> | <input type="checkbox"/> | 46. | A criminal offense under title 13, Chapter 23 |
| <input type="checkbox"/> | <input type="checkbox"/> | 47. | Child Neglect |
| <input type="checkbox"/> | <input type="checkbox"/> | 48. | Misdemeanor offenses involving contributing to the delinquency of a minor |
| <input type="checkbox"/> | <input type="checkbox"/> | 49. | Offenses involving domestic violence |
| <input type="checkbox"/> | <input type="checkbox"/> | 50. | Arson |
| <input type="checkbox"/> | <input type="checkbox"/> | 51. | Kidnapping |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | 53. | Robbery |
| <input type="checkbox"/> | <input type="checkbox"/> | 54. | Aggravated assault |
| <input type="checkbox"/> | <input type="checkbox"/> | 55. | Felony offenses involving contributing to the delinquency of a minor |
| <input type="checkbox"/> | <input type="checkbox"/> | 56. | Negligent homicide |
| <input type="checkbox"/> | <input type="checkbox"/> | 57. | Criminal Damage |
| <input type="checkbox"/> | <input type="checkbox"/> | 58. | Misappropriation of charter school monies as prescribed in section 13-1818 |
| <input type="checkbox"/> | <input type="checkbox"/> | 59. | Taking identity of another person or entity |
| <input type="checkbox"/> | <input type="checkbox"/> | 60. | Aggravated taking identity of another person or entity. |
| <input type="checkbox"/> | <input type="checkbox"/> | 61. | Trafficking in the identity of another person or entity |
| <input type="checkbox"/> | <input type="checkbox"/> | 62. | Cruelty to animals |
| <input type="checkbox"/> | <input type="checkbox"/> | 63. | Prostitution |
| <input type="checkbox"/> | <input type="checkbox"/> | 64. | Sale or distribution of material harmful to minors through vending machines as |

~~prescribed in section 13-3513~~
~~65. Welfare fraud³~~

Applicant's Name (Print): _____

OPEN UNTIL 02/18/19

³ Section deleted as it is components are part of A.R.S. 41-1758.03(C) which is not part of this Attachment.

NOTARIZATION

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: _____

State of Arizona) County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public

OPEN UNTIL 02/18/19