

## **CIVIL (NOT CRIMINAL) BARRIERS:**

- Civil Finding of Abuse or Neglect by Court or Administrative Agency (10 years)
- Relinquishment or Involuntary Termination of Parental Rights (Permanent)

## **BARRIER CRIMES IF COMMITTED AT ANY TIME (PERMANENT BARRIER CRIMES):**

- Unclassified, Class A, or Class B Felony under AS 11.41 (Offenses Against the Person)
- Domestic Violence Felony under AS 11
- A felony crime where the victim was a minor
- Assault in the Third Degree
- Indecent Exposure in the Second Degree
- Arson in the First or Second Degree
- Endangering the Welfare of a Child in the First Degree
- Endangering the Welfare of a Vulnerable Adult in the First or Second Degree
- Failure to Register as a Sex Offender or Child Kidnapper in the First or Second Degree
- Indecent Viewing or Photography
- Distribution of Child Pornography
- Sex Trafficking in the First, Second or Third Degree
- A Sex Offense as defined in 12.63.100
- Two or More Class B Felonies

## **BARRIER CRIMES IF COMMITTED WITHIN THE LAST 10 YEARS:**

- Stalking in the First Degree
- Theft in the First Degree
- Issuing a Bad Check, if a Class B Felony
- Fraudulent Use of an Access Device, if a Class B Felony
- Burglary in the First Degree
- Criminal Mischief in the First or Second Degree
- Forgery in the First Degree
- Criminal Impersonation in the First Degree
- Scheme to Defraud
- Defrauding Creditors, if a Class B Felony
- Terroristic Threatening in the First Degree, if involving domestic violence
- Misconduct Involving Weapons in the First or Second Degree
- Criminal Possession of Explosives, if a Class A or Class B Felony
- Promoting Prostitution in the First Degree, if the person who is induced or caused to engage in prostitution was 18 or older
- Misconduct Involving a Controlled Substance in the First, Second, or Third Degree
- Delivery of an Imitation Controlled Substance to a Minor
- Fraudulent or Criminal Insurance Acts
- Felony Driving Under the Influence or Refusal to Submit to Chemical Test (two or more convictions within 10 year period prior to most recent offence)
- Medical Assistance Fraud

## **BARRIER CRIMES IF COMMITTED WITHIN THE LAST 5 YEARS:**

- Assault in the Fourth Degree
- Reckless Endangerment
- Stalking in the Second Degree
- Custodial Interference in the Second Degree
- Coercion
- Class C Felony under 11.46 Offenses Against Property
- Endangering the Welfare of a Child in the Second Degree
- Criminal Nonsupport, if a class C Felony
- Aiding the Nonpayment of Child Support in the First Degree
- Contributing to the Delinquency of a Minor
- Failure to Report a Violent Crime Committed Against a Child
- Terrorist Threatening in the Second Degree, if involving domestic violence
- Tampering with Public Records in the First Degree
- Harassment in the First Degree
- Misconduct Involving a Corpse
- Cruelty to Animals
- Promoting an Exhibition of Fighting Animals, if a class C Felony
- Misconduct Involving Weapons in the Third Degree
- Criminal Possession of Explosives, if a Class C Felony
- Unlawful Furnishing of Explosives
- Promoting Prostitution in the Second Degree, if the Person was 18 or older at the time
- Misconduct Involving a Controlled Substance in the Fourth Degree
- Class C Felony of Imitation Controlled Substances
- A Serious Offense as defined in AS 12.62.900 except for (b) and (c) and except for Disorderly conduct
- Class C felony under Fraudulent or criminal insurance acts
- Bad Faith Initiation of Involuntary Civil Commitment Proceeding

## **BARRIER CRIMES IF COMMITTED WITHIN THE LAST 3 YEARS:**

- Theft in the Third Degree
- Criminal Trespass in the First Degree, if involving domestic violence
- Criminally Negligent Burning, if involving domestic violence
- Criminal Mischief in the Fourth Degree, if involving domestic violence
- Forgery in the Third Degree
- Deceptive Business Practices, if a Class A Misdemeanor
- Criminal Nonsupport, if a Class A misdemeanor.
- Violating a Protective Order, if involving domestic violence
- Interfering With a Report of a Crime Involving Domestic Violence
- Criminal Possession of Explosives, if a Class A misdemeanor

## **WHAT YOU NEED TO KNOW**

# **Foster Family Licensing and Background Checks**



## BACKGROUND CHECKS AND FOSTER CARE LICENSES

When you apply for a foster care license, the Office of Children Services (OCS) will do a background check on household members to see if there is criminal history or child protection history.

OCS will also assess if a family is appropriate for adoption, even if not seeking a foster care license.

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## WHO IN OUR HOME WILL HAVE A BACKGROUND CHECK?

ONLY those:

- Who live in the **same** house
- Where any foster child(ren) will live
- And are 16 years of age or older

Any family member who does not live in the same house where the foster child(ren) will live will not go through a background check.

The background check will look at past criminal and OCS history. Some of that history, known as “Barrier Crimes” or “Barrier Conditions,” may prevent OCS from issuing a foster care license.

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## ARE ALL CRIMES “BARRIER CRIMES”?

**No.** Not every crime is a barrier crime. And, barrier crimes have time limits. For example, misdemeanor assault is only a barrier crime if it happened within the last 5 years. Similarly, not all child protection history will be a barrier. For a complete list, see the back of this brochure.

## WHAT HAPPENS IF A BARRIER CRIME SHOWS UP IN THE BACKGROUND CHECK?

If OCS finds a barrier crime, they will deny the application for a foster care license. However, families denied licenses can make a “**variance request**”. This is a chance to explain why something negative in the past will not stop a foster child from being raised in a safe, loving home. A variance will be approved if it is found that the health, safety, and welfare a foster child will be adequately protected in the home now.

Variances are not available for some crimes, including felony crimes of spousal abuse, crimes against children, and sexual assault. For other felony convictions for assault, battery, and drug related offenses, a variance will only be available five years after the conviction.

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## REQUESTING A VARIANCE

1. **Act Quickly!** Follow ALL instructions and deadlines in your denial letter; you have 30 days to submit a variance request if you are denied a license.
2. Get an application and instructions:  
(a) online at: <http://dhss.alaska.gov/dhcs/Pages/hflc/Background-Check.aspx> OR  
(b) by phone from the Variance Committee at: (907) 334-4475 OR  
(c) by emailing [BCPVariance@alaska.gov](mailto:BCPVariance@alaska.gov)
3. Submit the application to your assigned licensing worker. Your denial letter will include their contact information.
4. Wait for your request to be reviewed. The Committee will either (a) send application back if incomplete; (b) recommend approval (c) recommend approval with conditions; or (d) deny your application for a variance request.
5. If your application is denied, you may request reconsideration within 30 days.

## WHAT SHOULD THE VARIANCE REQUEST APPLICATION INCLUDE?

The person with the barrier crime must be the one to apply for a variance.

That person must provide two letters of recommendation from people who know about the facts surrounding the old barrier crime or condition, and how things have changed since then for the better.

The variance application will also request extensive records relating to criminal charges, domestic violence protective orders, treatment and rehabilitation.

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## NEED HELP?

**Office of Children’s Services**  
1-800-478-7307

**ICWA / Tribal Representative**  
Tribal contacts can be found at:  
<https://www.acrf.org/resources-icwa.php>

**Alaska Legal Services Corporation**  
Visit [www.alsc-law.org](http://www.alsc-law.org)

Or call your regional office:

Anchorage:	1.888.478.2527
Bethel:	1.800.478.2230
Bristol Bay:	1.888.391.1475
Fairbanks:	1.800.478.5401
Juneau:	1.800.789.6426
Kenai:	1.855.395.0352
Ketchikan:	1.877.525.6420
Kotzebue:	1.877.622.9797
Nome:	1.888.495.6663
Palmer:	1.855.996.4636
Utqiagvik:	1.888.840.0522