

**SWORN STATEMENT OR AFFIRMATION FOR CHILD DAY PROGRAMS**

Please Print

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<b>Last Name</b>	<b>First</b>	<b>Middle</b>	<b>Maiden</b>	<b>Social Security Number</b>
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<b>Current Mailing Address</b>	<b>Street, P.O. Box #, Apt. #</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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<b>Name of Licensed/Registered Approved Facility/Provider</b>	<b>Street, P.O. Box #, Apt. #</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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*Please respond to all four (4) questions below:*

1. Have you ever been convicted of or are you the subject of pending charges of any crime within the Commonwealth of Virginia?     Yes (convicted in Virginia)     Yes (pending in Virginia)     No

If yes to convicted or pending, specify crime(s): \_\_\_\_\_

\_\_\_\_\_

2. Have you ever been convicted of or are you the subject of pending charges of any crime outside the Commonwealth of Virginia?     Yes (convicted outside Virginia)     Yes (pending outside Virginia)     No

If yes to convicted or pending, specify crime(s) and state, or other location: \_\_\_\_\_

\_\_\_\_\_

3. Have you ever been the subject of a founded complaint of child abuse or neglect within the Commonwealth of Virginia?     Yes (in Virginia)     No (in Virginia)

4. Have you ever been the subject of a founded complaint of child abuse or neglect outside the Commonwealth of Virginia?     Yes (outside Virginia)     No (outside Virginia)

If yes, specify state, or other location: \_\_\_\_\_

**I hereby affirm that the information provided on this form is true and complete. I understand that the information is subject to verification and that making a materially false statement or affirmation is a Class I misdemeanor.**

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Signature

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Date

## Explanation of Sworn Statement or Affirmation

**Requirement:** Sections 63.2-1704, 63.2-1720, 63.2-1721, 63.2-1722, 63.2-1724 and 63.2-1725 of the *Code of Virginia* (Code) require individuals to provide a sworn statement or affirmation to a licensing, approving or hiring authority, facility, or agency prior to licensure, registration, approval, employment, or provision of volunteer services. A sworn disclosure or affirmation is a statement completed by a person attesting to whether he has ever been: (i) convicted of or the subject of pending charges of any crime within the Commonwealth or equivalent offense outside the Commonwealth, or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Additionally for family day homes, the person affirms if he, or if he knows that any person who resides in the home, has a sex offense conviction or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. The statement or affirmation must be made available to the Department of Social Services' representative.

**Who must comply:** These individuals must provide sworn statements or affirmations:

- Applicant upon application for licensure or registration as a child welfare agency, and any subsequent person designated as applicant, licensee, or registrant;
- Agent at the time of application who is or will be involved in the day-to-day operation of the child welfare agency or who is or will be alone with, in control of, or supervising one or more of the children and any subsequent person designated as agent who will be involved in the day-to-day operation or will be alone with, in control of, or supervising one or more of the children;
- Any other adult living in the home of an applicant for licensure or registration or approval as a family day home, or any existing employee or volunteer, and subsequent employee or volunteer or other adult living in the home;
- Operator of family day home requesting approval by family day system;
- Person who signs the statement of intent to operate a religiously exempt child day center;
- Any person who will be expected to be alone with one or more children enrolled in a religious exempt child day center; and
- Any employee or volunteer of a licensed, registered, or approved facility who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children.

Note: Any other child day center or family day home that has not otherwise met these requirements, and applies to enter into a contract with a local department to provide child care services to clients of a local department, must also submit a sworn statement or affirmation.

Exception: A parent-volunteer is not required to provide a sworn statement or affirmation. A parent-volunteer is a person supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received satisfactory background checks as provided for in the Code.

Any person making a materially false statement regarding any such offense is guilty of a Class 1 misdemeanor.

Further dissemination of the sworn statement information is prohibited other than to the Commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination.

**Consequence:** If a person required to submit a sworn statement or affirmation (i) fails to submit a sworn statement or affirmation, or (ii) has been convicted of a barrier crime (specified below), or (iii) has been convicted of any other felony in the last five years, or (iv) has been the subject of a founded complaint of child abuse or neglect, and the facility refuses to separate that person from employment or service:

- Licensure, registration or approval of a child day program is prohibited;
- Licensure, registration or approval will be revoked and renewal of a license or registration or religiously exempt status will be denied;
- Religiously exempt status will be revoked; and
- The child welfare agency will not be permitted to receive federal, state or local child care funds.

Exception: A person who wants to operate or to volunteer or work at a facility covered by this regulation, but who is disqualified because of a criminal conviction, or a criminal conviction in the background check of any other adult living in a family day home governed by this regulation may apply for a waiver if: 1) a non-barrier crime felony conviction occurred less than five years ago, or 2) any other adult living in the home of a state regulated family day home applicant or provider has been convicted of not more than one misdemeanor offense of assault and battery or assault and battery against a family or household member. This other adult may not be an assistant or substitute provider.

## BARRIER CRIMES

for

- Licensed child day centers
- Religiously exempt child day centers
- Certified pre-schools
- Licensed family day homes
- Voluntarily registered family day homes
- Licensed family day systems
- Licensed system-approved family day homes
- The following if receiving federal, state, or local child care funds:
  - Local agency-approved family day homes
  - Local ordinance-approved family day homes
  - Programs of recreational activities offered by local governments
  - Unregulated family day homes (including in-home care)

*(§§ 63.2-1717 D. 7., 63.2-1719, 63.2-1720, 63.2-1721, 63.2-1724, 63.2-1725 of the Code of Virginia)*

<p>Also included as barrier crimes (in addition to the offenses listed below) are the conviction of any other felony unless 5 years have elapsed since the conviction and a founded complaint of child abuse or neglect within or outside the Commonwealth.</p> <p>Convictions include prior adult convictions, juvenile convictions and adjudications of juvenile delinquency if offenses involved would be a felony if committed by an adult within or outside the Commonwealth.</p>	63.2-1719
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OFFENSE * Or Equivalent Offense in Another State	CODE SECTION
Abduction (Kidnapping)	18.2-47 A
Abduction with Intent to Extort Money or for Immoral Purpose	18.2-48
Abuse and Neglect of Children	18.2-371.1
Abuse and Neglect of Incapacitated Adults	18.2-369
Adulteration of Food, Drink, Drugs, Cosmetics, etc.	18.2-54.2
Aggravated Malicious Wounding	18.2-51.2
Allowing a child to be present during manufacture or attempted manufacture of methamphetamine	18.2-248.02
Assault or Assault and Battery (Exception: Child day center may hire individual convicted of not more than one misdemeanor offense if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor. § 63.2-1720 C)	18.2-57
Assault and Battery Against a Family or Household Member	18.2-57.2
Assisting individuals in unlawfully procuring prescription drugs (Felony Convictions)	18.2-258.2

<b>Attempted Aggravated Sexual Battery</b>	<b>18.2-67.5</b>
<b>Attempted Forcible Sodomy</b>	<b>18.2-67.5</b>
<b>Attempted Object Sexual Penetration</b>	<b>18.2-67.5</b>
<b>Attempted Rape</b>	<b>18.2-67.5</b>
<b>Attempted Sexual Battery</b>	<b>18.2-67.5</b>
<b>Attempts to Poison</b>	<b>18.2-54.1</b>
<b>Bodily Injuries Caused by Prisoners, Probationers or Parolees</b>	<b>18.2-55</b>
<b>Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor</b>	<b>18.2-92</b>
<b>Burglary</b>	<b>18.2-89</b>
<b>Burning Building or Structure While in such Building or Structure with Intent to Commit Felony</b>	<b>18.2-82</b>
<b>Burning or Destroying any Other Building or Structure</b>	<b>18.2-80</b>
<b>Burning or Destroying Dwelling House, etc.</b>	<b>18.2-77</b>
<b>Burning or Destroying Meeting House, etc.</b>	<b>18.2-79</b>
<b>Burning or Destroying Personal Property, Standing Grain, etc.</b>	<b>18.2-81</b>
<b>Carelessly Damaging Property by Fire</b>	<b>18.2-88</b>
<b>Carjacking</b>	<b>18.2-58.1</b>
<b>Carnal Knowledge of Certain Minors</b>	<b>18.2-64.1</b>
<b>Carnal Knowledge of Child Between 13 and 15</b>	<b>18.2-63</b>
<b>Carnal Knowledge of an Inmate, Parolee, Probationer or Pretrial or Posttrial Offender</b>	<b>18.2-64.2</b>
<b>Causing, Inciting, etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to such Buildings, etc.</b>	<b>18.2-84</b>
<b>Certain Premises Deemed Common Nuisance (Felony Convictions)</b>	<b>18.2-258</b>
<b>Crimes Against Nature Involving Children</b>	<b>18.2-361</b>
<b>Delivery of Drugs, Firearms, Explosives, etc. to Prisoners</b>	<b>18.2-474.1</b>
<b>Disarming a Law Enforcement or Correctional Officer</b>	<b>18.2-57.02</b>
<b>Distribution of Certain Drugs to Persons Under Eighteen (Felony Convictions)</b>	<b>18.2-255</b>
<b>Drive-By Shooting</b>	<b>18.2-286.1</b>
<b>Drug Attempts (Felony Convictions)</b>	<b>18.2-257</b>
<b>Drug Conspiracy (Felony Convictions)</b>	<b>18.2-256</b>
<b>Electronic Facilitation of Pornography</b>	<b>18.2-374.3</b>

<b>Employing or Permitting Minor to Assist in Obscenity and Related Offenses</b>	<b>18.2-379</b>
<b>Entering Bank, Armed, with Intent to Commit Larceny</b>	<b>18.2-93</b>
<b>Entering Dwelling House, etc. with Intent to Commit Larceny, Assault and Battery or Other Felony</b>	<b>18.2-91</b>
<b>Entering Dwelling House, etc. with Intent to Commit Murder, Rape, Robbery or Arson</b>	<b>18.2-90</b>
<b>Escape from Jail</b>	<b>18.2-477</b>
<b>Failing to Secure Medical Attention for Injured Child</b>	<b>18.2-314</b>
<b>Felonies by Prisoners</b>	<b>53.1-203</b>
<b>Firearms – Allowing Access by Children</b>	<b>18.2-56.2</b>
<b>Hazing of Student at School, College, or University</b>	<b>18.2-56</b>
<b>Hazing of Youth Gang Members</b>	<b>18.2-55.1</b>
<b>Homicide</b>	<b>18.2-33</b>
<b>Illegal Stimulants and Steroids</b>	<b>18.2-248.5</b>
<b>Incest</b>	<b>18.2-366 B</b>
<b>Involuntary Manslaughter</b>	<b>18.2-36.1</b>
<b>Killing a Fetus</b>	<b>18.2-32.2</b>
<b>Maiming, etc. of Another Resulting from Driving While Intoxicated</b>	<b>18.2-51.4</b>
<b>Maintaining a Fortified Drug House (Felony Convictions)</b>	<b>18.2-258.02</b>
<b>Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire</b>	<b>18.2-52</b>
<b>Malicious Bodily Injury to Law Enforcement Officers</b>	<b>18.2-51.1</b>
<b>Malicious Wounding by Mob</b>	<b>18.2-41</b>
<b>Manufacture, Possession, Use, etc. of Fire Bombs or Explosive Materials or Devices</b>	<b>18.2-85</b>
<b>Manufacturing, Selling, Giving, or Distributing a Controlled Substance or an Imitation Controlled Substance (Felony Convictions)</b>	<b>18.2-248</b>
<b>Manufacturing, Selling, Giving, or Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)</b>	<b>18.2-248.5</b>
<b>Murder, Capital</b>	<b>18.2-31</b>
<b>Murder, First and Second Degree</b>	<b>18.2-32</b>
<b>Murder of a Pregnant Woman</b>	<b>18.2-32.1</b>
<b>Obscenity Offenses</b>	<b>18.2-374.1</b>
<b>Obtaining Drugs, Procuring Administration of Controlled Substances, etc. by Fraud, Deceit or Forgery (Felony Convictions)</b>	<b>18.2-258.1</b>
<b>Pandering</b>	<b>18.2-355</b>

Pointing Laser at Law Enforcement	18.2-57.01
Possession and Distribution of Flunitrazepam (Felony Convictions)	18.2-251.2
Possession and Distribution of Gamma-Butyrolactone or 1, 4 – Butanediol	18.2-251.3
Possession of Burglarious Tools, etc.	18.2-94
Possession of Child Pornography	18.2-374.1:1
Possession of Drugs (Felony Convictions)	18.2-250
Possession of Infectious Biological Substances	18.2-52.1
Possession or Use of a Sawed-Off Shotgun or Rifle in a Crime of Violence	18.2-300 A
Production, Publication, Sale, Possession with Intent to Distribute, Financing etc. of Sexually Explicit Items Involving Children	18.2-374.1
Rape	18.2-61
Reckless Endangerment	18.2-51.3
Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1
Robbery	18.2-58
Sale of Drugs on or near Certain Properties (Felony Convictions)	18.2-255.2
Setting Fire to Woods, Fences, Grass, etc.	18.2-86
Setting off Chemical Bombs Capable of Producing Smoke	18.2-87.1
Setting Woods, etc. on Fire Intentionally Whereby Another is Damaged or Jeopardized	18.2-87
Sexual Battery	18.2-67.4
Sexual Battery - Aggravated	18.2-67.3
Sexual Battery - Infected	18.2-67.4:1
Sexual Penetration - Object	18.2-67.2
Shooting, etc. in Committing or Attempting a Felony	18.2-53
Shooting, Stabbing, etc. with Intent to Maim, Kill, etc.	18.2-51
Sodomy - Forcible	18.2-67.1
Stalking (Felony Convictions)	18.2-60.3
Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto	18.2-355
Taking Indecent Liberties with Child by Person in Custodial or Supervisory Relationship	18.2-370.1
Taking Indecent Liberties with Children	18.2-370
Threats of Death or Bodily Injury	18.2-60
Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.	18.2-83

<b>Transporting Controlled Substances into the Commonwealth (Felony Convictions)</b>	<b>18.2-248.01</b>
<b>Use of a Machine Gun in a Crime of Violence</b>	<b>18.2-289</b>
<b>Use of a Machine Gun for Aggressive Purpose</b>	<b>18.2-290</b>
<b>Use or Display of Firearm in Committing Felony</b>	<b>18.2-53.1</b>
<b>Voluntary Manslaughter</b>	<b>18.2-35</b>