

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

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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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Have you lived outside of Virginia in the past five years?     Yes     No

If yes, what state(s) have you lived in: \_\_\_\_\_

*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, 63.2-1720.1, 63.2-1721, 63.2-1721.1, 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 CHILD DAY PROGRAMS

- Including:**
- 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 Ordinance – approved family day homes
    - Programs of recreational activities offered by local governments
    - Unregulated family day homes (including in-home care)

Va Code Ann. §§ 63.2-17171(E)(7); 63.2-1719; 63.2-1720; 63.2-1720.1; 63.2-1721; 63.2-1721.1; 63.2-1725

<p><b>In addition to the offenses listed below, the following are also barrier crimes: 1) a conviction of any offense set forth in § 9.1-902 or a finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person’s requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, or any similar registry in any other state; 2) a conviction of any other felony unless 5 years have elapsed since the conviction; and 3) a founded complaint of child abuse or neglect within or outside the Commonwealth.</b></p> <p><b>Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.</b></p> <p><b>Exceptions: See Assault and Battery below</b></p>	<p><b>63.2-1719</b></p>
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OFFENSE Or Equivalent Offense in Another State	VA CODE SECTION
Abduction (Kidnapping)	Subsection A or B of 18.2-47
Abduction for Immoral Purposes	18.2-48
Abuse and Neglect of Children	18.2-371.1
Abuse and Neglect of Incapacitated Adults	18.2-369
Aggressive Use of a Machine Gun	18.2-290

<b>Arson</b>	Article 1 (18.2-77 et seq.) of Chapter 5 of Title 18.2
Arson – Burning Building or Structure While in Such Building or Structure with Intent to Commit Felony	18.2-82
Arson – Burning or Destroying Any Other Building or Structure	18.2-80
Arson – Burning or Destroying Dwelling House, Etc.	18.2-77
Arson – Burning or Destroying Meeting House, Etc.	18.2-79
Arson – Burning or Destroying Personal Property, Standing Grain, Etc.	18.2-81
Arson- Carelessly Damaging Property by Fire	18.2-88
Arson – Causing, Inciting, Etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-84
Arson – Manufacture, Possession, Use, Etc. of Fire Bombs or Explosive Materials or Devices	18.2-85
Arson – Setting Fire to Woods, Fences, Grass, Etc.	18.2-86
Arson – Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings	18.2-87.1
Arson – Setting Woods, Etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized	18.2-87
Arson – Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-83
<b>Assaults and Bodily Wounding</b>	Article 4 (18.2-51 et seq.) of Chapter 4 of Title 18.2
Assaults and Bodily Wounding – Adulteration of Food, Drink, Drugs, Cosmetics, Etc.	18.2-54.2
Assaults and Bodily Wounding – Aggravated Malicious Wounding	18.2-51.2
Assaults and Bodily Wounding – Allowing Access to Firearms by Children	18.2-56.2
Assaults and Bodily Wounding – Assault and Battery ( <u>Exception</u> : A child day center may hire for compensated employment persons who have been convicted of not more than 1 misdemeanor offense under § 18.2-57 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. § 63.2-1720.1)	18.2-57
Assaults and Bodily Wounding – Assault and Battery Against a Family or Household Member	18.2-57.2
Assaults and Bodily Wounding – Attempts to Poison	18.2-57.2
Assaults and Bodily Wounding – Bodily Injuries Caused by Prisoners, State Juvenile Probationers, and State and Local Adult Probationers or Adult Parolees	18.2-55
Assaults and Bodily Wounding – Disarming a Law-Enforcement or Correctional Officer	18.2-57.02
Assaults and Bodily Wounding – Hazing of a Student at Any School, College, or University	18.2-56
Assaults and Bodily Wounding – Hazing a Youth Gang Members	18.2-55.1

Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Driving While Intoxicated	18.2-51.4
Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Operating a Watercraft While Intoxicated	18.2-51.5
Assaults and Bodily Wounding – Malicious Bodily Injury by Means of Any Caustic Substance or Agent or Use of Any Explosive or Fire	18.2-52
Assaults and Bodily Wounding – Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers	18.2-51.1
Assaults and Bodily Wounding – Pointing Laser at Law-Enforcement Officer	18.2-57.01
Assaults and Bodily Wounding – Possession of Infectious Biological Substances or Radiological Agents	18.2-52.1
Assaults and Bodily Wounding – Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story	18.2-51.3
Assaults and Bodily Wounding – Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1
Assaults and Bodily Wounding – Shooting, Etc. in Committing or Attempting a Felony	18.2-53
Assaults and Bodily Wounding – Shooting, Stabbing, Etc. With Intent to Maim, Kill, Etc.	18.2-51
Assaults and Bodily Wounding – Strangulation of Another	18.2-51.6
Assaults and Bodily Wounding – Use or Display of Firearm in Committing a Felony	18.2-53.1
<b>Burglary</b>	Article 2 (18.2-89 et seq.) of Chapter 5 of Title 18.2
Burglary – Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Burglary – Entering Bank, Armed, with Intent to Commit Larceny	18.2-93
Burglary – Entering Dwelling House, Etc., with Intent to Commit Larceny, Assault and Battery, or Other Felony	18.2-91
Burglary – Entering Dwelling House, Etc., with Intent to Commit Murder, Rape, Robbery, or Arson	18.2-90
Burglary – Possession of Burglarious Tools, Etc.	18.2-94
<b>Carjacking</b>	18.2-58.1
<b>Crimes Against Nature Involving Children</b>	18.2-361
<b>Delivery of Drugs to Prisoners</b>	18.2-474.1
<b>Drive-By Shooting</b>	18.2-286.1
<b>Electronic Facilitation of Pornography</b>	18.2-374.3
<b>Employing or Permitting a Minor to Assist in an Act Constituting an Offense Under Article 5 (18.2-372 et seq.) of Chapter 8 of Title 18.2</b>	18.2-379
Employing or Permitting a Minor to Assist in – Advertising, Etc., Obscene Items, Exhibitions, or Performances	18.2-376
Employing or Permitting a Minor to Assist in – Coercing Acceptance of Obscene Articles or Publications	18.2-378
Employing or Permitting a Minor to Assist in – Creation of an Image of Another	18.2-386.1
Employing or Permitting a Minor to Assist in – Display of Child Pornography or Grooming Video or Materials to a Child	18.2-374.4

Employing or Permitting a Minor to Assist in – Indecent Exposure	18.2-387
Employing or Permitting a Minor to Assist in – Obscene Exhibitions and Performances	18.2-375
Employing or Permitting a Minor to Assist in – Obscene Sexual Display	18.2-387.1
Employing or Permitting a Minor to Assist in – Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography	18.2-374.1:1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Financing Etc., of Child Pornography	18.2-374.1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Possession, Etc., of Obscene Items	18.2-374
Employing or Permitting a Minor to Assist in – Unlawful Dissemination or Sale of Images of Another	18.2-386.2
Employing or Permitting a Minor to Assist in – Use of Communications Systems to Facilitate Certain Offenses Involving Children	18.2-374.3
<b>Escape from Jail</b>	18.2-477
<b>Extortion by Threat</b>	18.2-59
<b>Failure to Secure Medical Attention for an Injured Child</b>	18.2-314
<b>Felonies by Prisoners</b>	53.1-203
<b>Incest</b>	18.2-366
<b>Malicious Wounding by Mob</b>	18.2-41
<b>Murder or Manslaughter</b>	18.2-30 et seq. Article 1 of Chapter 4 of Title 18.2
Murder or Manslaughter – Felony Homicide	18.2-33
Murder or Manslaughter – Involuntary Manslaughter	18.2-36
Murder or Manslaughter – Involuntary Manslaughter; Driving a Vehicle While Under the Influence	18.2-36.1
Murder or Manslaughter – Involuntary Manslaughter; Operating a Watercraft While Under the Influence	18.2-36.2
Murder or Manslaughter – Killing a Fetus	18.2-32.2
Murder or Manslaughter – Murder, Capital	18.2-31
Murder or Manslaughter – Murder, First and Second Degree	18.2-32
Murder or Manslaughter – Murder of a Pregnant Woman	18.2-32.1
Murder or Manslaughter – Voluntary Manslaughter	18.2-35
<b>Obscenity Offenses</b>	18.2-374.1
<b>Pandering</b>	18.2-355
<b>Possession of Child Pornography</b>	18.2-374.1:1
<b>Possession or Distribution of Drugs (Felony Convictions)</b>	Article 1 (18.2-247 et seq.) of Chapter 7 of Title 18.2

Possession or Distribution of Drugs – Allowing a Minor or Incapacitated Person to be Present During Manufacture or Attempted Manufacture of Methamphetamine (Felony Convictions)	18.2-248.02
Possession or Distribution of Drugs – Assisting Individuals in Unlawfully Procuring Prescription Drugs (Felony Convictions)	18.2-258.2
Possession or Distribution of Drugs – Certain Premises Deemed Common Nuisance (Felony Convictions)	18.2-258
Possession or Distribution of Drugs – Distributing Certain Drugs to Persons under 18 (Felony Convictions)	18.2-255
Possession or Distribution of Drugs – Drug Attempts (Felony Convictions)	18.2-257
Possession or Distribution of Drugs – Drug Conspiracy (Felony Convictions)	18.2-256
Possession or Distribution of Drugs – Maintaining a Fortified Drug House (Felony Convictions)	18.2-258.02
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Distribute the Substances Gamma-Butyrolactone or 1, 4-Butanediol When Intended for Human Consumption (Felony Convictions)	18.2-251.3
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)	18.2-248.5
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance (Felony Convictions)	18.2-248
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)	18.2-248.03
Possession or Distribution of Drugs – Obtaining Drugs, Procuring Administration of Controlled Substances, Etc., by Fraud, Deceit, or Forgery (Felony Convictions)	18.2-258.1
Possession or Distribution of Drugs – Possession and Distribution of Flunitrazepam (Felony Convictions)	18.2-251.2
Possession or Distribution of Drugs – Possession of Controlled Substances (Felony Convictions)	18.2-250
Possession or Distribution of Drugs – Sale, Gift, Distribution, or Possession with Intent to Sell, Give, or Distribute Marijuana (Felony Convictions)	18.2-248.1
Possession or Distribution of Drugs – Sale or Manufacture of Drugs On or Near Certain Properties (Felony Convictions)	18.2-255.2
Possession or Distribution of Drugs – Transporting Controlled Substances into the Commonwealth (Felony Convictions)	18.2-248.01
<b>Robbery</b>	18.2-58
<b>Sexual Assault</b>	Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2
Sexual Assault – Aggravated Sexual Battery	18.2-67.3
Sexual Assault – Attempted Aggravated Sexual Battery	18.2-67.5
Sexual Assault – Attempted Forcible Sodomy	18.2-67.5

Sexual Assault – Attempted Object Sexual Penetration	18.2-67.5
Sexual Assault – Attempted Rape	18.2-67.5
Sexual Assault – Attempted Sexual Battery	18.2-67.5
Sexual Assault – Carnal Knowledge of Certain Minors	18.2-64.1
Sexual Assault – Carnal Knowledge of a Child Between 13 and 15 Years of Age	18.2-63
Sexual Assault – Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post Trial Offender	18.2-64.2
Sexual Assault – Forcible Sodomy	18.2-67.1
Sexual Assault – Infected Sexual Battery	18.2-67.4:1
Sexual Assault – Object Sexual Penetration	18.2-67.2
Sexual Assault – Rape	18.2-61
Sexual Assault – Sexual Abuse of a Child under 15 Years of Age	18.2-67.4:2
Sexual Assault – Sexual Battery	18.2-67.4
<b>Stalking (Felony Convictions)</b>	18.2-60.3
<b>Taking Indecent Liberties with Children</b>	18.2-370; 18.2-370.1
<b>Threats of Death or Bodily Injury</b>	18.2-60
<b>Use of a Machine Gun in a Crime of Violence</b>	18.2-289
<b>Use of a Sawed-Off Shotgun in a Crime of Violence</b>	Subsection A of 18.2-300
<b>Violation of a Protective Order (Felony Convictions)</b>	18.2-60.4; 16.1-253.2