

BARRIER CRIMES FOR CHILD-PLACING AGENCIES AND FOR FOSTER AND ADOPTIVE HOMES APPROVED BY CHILD-PLACING AGENCIES

(§§ 63.2-901.1, 63.2-1719, 63.2-1720, and 63.2-1721 of the Code of Virginia)

<p>In addition to the offenses listed below, also included as barrier crimes are: 1) the conviction of any other felony unless 5 years have elapsed since conviction; and 2) 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 or B
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
Aggressive Use of a Machine Gun	18.2-290
Allowing a child to be present during manufacture or attempted manufacture of methamphetamine	18.2-248.02
Assault or Assault and Battery Exception: Child-placing agency may approve as foster or adoptive parent an applicant convicted of not more than one misdemeanor offense not involving the abuse, neglect, or moral turpitude of a minor if 10 years have elapsed following the conviction. 63.2-1721 E.	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
Attempted Aggravated Sexual Battery	18.2-67.5
Attempted Forcible Sodomy	18.2-67.5

Attempted Object Sexual Penetration	18.2-67.5
Attempted Rape	18.2-67.5
Attempted Sexual Battery	18.2-67.5
Attempts to Poison	18.2-54.1
Bodily Injuries Caused by Prisoners, Probationers or Parolees	18.2-55
Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Burglary	18.2-89
Burning Building or Structure While in such Building or Structure with Intent to Commit Felony	18.2-82
Burning or Destroying any Other Building or Structure Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-80
Burning or Destroying Dwelling House, etc.	18.2-77
Burning or Destroying Meeting House, etc.	18.2-79
Burning or Destroying Personal Property, Standing Grain, etc. Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-81
Carelessly Damaging Property by Fire Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-88
Carjacking	18.2-58.1
Carnal Knowledge of Certain Minors	18.2-64.1
Carnal Knowledge of Child Between 13 and 15	18.2-63
Carnal Knowledge of an Inmate, Parolee, Probationer or Pretrial or Posttrial Offender	18.2-64.2

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
Certain Premises Deemed Common Nuisance (Felony Convictions)	18.2-258
Crimes Against Nature Involving Children	18.2-361
Delivery of Drugs, Firearms, Explosives, etc. to Prisoners	18.2-474.1
Disarming a Law Enforcement or Correctional Officer	18.2-57.02
Distribution of Certain Drugs to Persons Under Eighteen (Felony Convictions)	18.2-255
Drive-By Shooting	18.2-286.1
Drug Attempts (Felony Convictions) Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony attempts to possess drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.	18.2-257
Drug Conspiracy (Felony Convictions) Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony conspiracy to possess drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.	18.2-256
Electronic Facilitation of Pornography	18.2-374.3
Employing or Permitting Minor to Assist in Obscenity and Related Offenses	18.2-379
Entering Bank, Armed, with Intent to Commit Larceny	18.2-93
Entering Dwelling House, etc. with Intent to Commit Larceny, Assault and Battery or Other Felony Exception: Child-placing agency may approve as foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction. 63.2-1721 F.	18.2-91
Entering Dwelling House, etc. with Intent to Commit Murder, Rape, Robbery or Arson	18.2-90
Escape from Jail	18.2-477
Extortion by Threat	18.2-59
Failing to Secure Medical Attention for Injured Child	18.2-314
Felonies by Prisoners	53.1-203
Firearms – Allowing Access by Children	18.2-56.2

Hazing of Student at School, College, or University	18.2-56
Hazing of Youth Gang Members	18.2-55.1
Homicide	18.2-33
Incest	18.2-366 B
Involuntary Manslaughter	18.2-36.1
Involuntary Manslaughter; Operating a Watercraft While Under the Influence	18.2-36.2
Killing a Fetus	18.2-32.2
Maiming, etc. of Another Resulting from Driving While Intoxicated	18.2-51.4
Maiming, etc. of Another Resulting from Operating a Watercraft While Intoxicated	18.2-51.5
Maintaining a Fortified Drug House (Felony Convictions)	18.2-258.02
Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire	18.2-52
Malicious Bodily Injury to Law Enforcement Officers	18.2-51.1
Malicious Wounding by Mob	18.2-41
Manufacture, Possession, Use, etc. of Fire Bombs or Explosive Materials or Devices	18.2-85
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
Manufacturing, Selling, Giving, or Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)	18.2-248.03
Manufacturing, Selling, Giving, or Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)	18.2-248.5
Manufacturing, Selling, Selling, Giving, Distributing or Possessing the substances Gamma-Butyrolactone or 1, 4, Butanediol, when Intended for Human Consumption – (Felony Convictions)	18.2-251.3
Murder, Capital	18.2-31
Murder, First and Second Degree	18.2-32
Murder of a Pregnant Woman	18.2-32.1
Obtaining Drugs, Procuring Administration of Controlled Substances, etc. by Fraud, Deceit or Forgery (Felony Convictions)	18.2-258.1
Pandering (See Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto)	18.2-355
Pointing Laser at Law Enforcement	18.2-57.01

<p>Possession and Distribution of Flunitrazepam (Felony Convictions) Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony possession of flunitrazepam provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.</p>	18.2-251.2
<p>Possession of Burglarious Tools, etc.</p>	18.2-94
<p>Possession or Use of a Sawed-Off Shotgun or Rifle in a Crime of Violence</p>	18.2-300 A
<p>Possession, Reproduction, Distribution, or Facilitation of Child Pornography</p>	18.2-374.1:1
<p>Possession of Drugs (Felony Convictions) Exceptions: 1) Child-placing agency may approve as foster or adoptive parent an applicant who has had his civil rights restored by the Governor, provided 10 years have elapsed since the conviction. 63.2-1721. G. 2) Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony possession of drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.</p>	18.2-250
<p>Possession of Infectious Biological Substances</p>	18.2-52.1
<p>Production, Publication, Sale, Possession with Intent to Distribute, Financing etc. of Sexually Explicit Items Involving Children</p>	18.2-374.1
<p>Rape</p>	18.2-61
<p>Reckless Endangerment</p>	18.2-51.3
<p>Reckless Handling of Firearms; Reckless Handling While Hunting</p>	18.2-56.1
<p>Robbery</p>	18.2-58
<p>Sale of Drugs on or near Certain Properties (Felony Convictions)</p>	18.2-255.2
<p>Setting Fire to Woods, Fences, Grass, etc.</p>	18.2-86
<p>Setting off Chemical Bombs Capable of Producing Smoke Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.</p>	18.2-87.1

Setting Woods, etc. on Fire Intentionally Whereby Another is Damaged or Jeopardized Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-87
Sexual Abuse of a Child Under 15 Years of Age	18.2-67.4:2
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
Strangulation of Another	18.2-51.6
Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto (See Pandering)	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
Transporting Controlled Substances into the Commonwealth (Felony Convictions)	18.2-248.01
Use of a Machine Gun in a Crime of Violence	18.2-289
Use or Display of Firearm in Committing Felony	18.2-53.1
Violation of a Protective Order (Felony Convictions)	16.1-253.2 or 18.2-60.4
Voluntary Manslaughter	18.2-35