

## Criminal History Self Disclosure Affidavit - Form LCR-10345A FORNA 07-09 Revision

Dear Providers:

This form is to go in to effect ASAP retro active to July 1, 2009. This is a result of Senate Bill 1049 signed by the Governor on June 29, 2009. So, please have new employees, HCBS providers and sub contractors contracted with or hired from July 1, 2009 complete this form even if they had already filled out the older disclosure form.

Once this form is completed the employee/applicant will not fill it out again until they renew their Fingerprint Clearance Card (FCC).

If you have any questions, please feel free to email me at [mlehew@azdes.gov](mailto:mlehew@azdes.gov) or call me at (602) 542-9004.

Thank You,

Mike LeHew  
Criminal Records Analyst

### **Instructions for filling out the Criminal History Self Disclosure Affidavit:**

**Page 1** remains largely the same as the previous Criminal History Self Disclosure. The applicant or other adult in the household should print their name, address and birth date in the appropriate fields. The conviction/indictment question must be answered by checking one box or the other. If there is a history, the applicant or other adult in the household should provide the requested information in the space provide or on additional pages as needed.

The registered sex offender question has been placed with the other conviction/indictment questions, and again one box or the other must be checked. Since a registered sex offender will not receive a Level 1 Fingerprint Clearance Card and therefore can not be employed or certified to provide services, the request for them to provide dates, locations etc. has been deleted and replaced with a statement that they will not receive a Level 1 Card. If an applicant checks "Yes" to being subject to registration as a sex offender in Arizona or any other jurisdiction, they need not complete the rest of the form. (They should however sign the form in the presence of a notary, and the form should be retained by your agency.) **(For HCBS household members. If an adult household member checks "Yes," they can not reside in the home as they will not receive a Level 1 Card.)**

**Page 2** lists the 42 non-appealable offenses. The applicant or other adult in the household must check yes or no to each item. If they check "Yes" to any of the items, DPS will not issue a Level 1 Clearance Card and the Arizona Board of Fingerprinting will not hear an appeal.

**Page 3** is different as there are now felony crimes which are time sensitive. These 31 felony crimes are non-appealable if they were committed within 5 years of their application for a Level 1 Fingerprint Card. They become appealable if they were committed more than 5 years before their application for a card. If an applicant has been convicted of one of these felonies, they must check the "Within 5 Years" box if the felony was committed within 5 years of the date they are applying for a Level 1 Card. If they committed the felony more than 5 years before date they are applying for a Level 1 Card, they should check the "Over 5 Years" box. If they have not been convicted of any of the felonies on this page, they must check the "No" box.

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**Pages 4 & 5** list the 73 appealable offenses. These crimes will result in a denial of a Level 1 Card by DPS, but can be appealed to the Board of Fingerprinting, and the Board will make a decision as to whether they can be issued a card or not based on extenuating factors. Applicants must check "Yes" or "No" to each crime listed.

Felony DUI conviction, #40 on Page 2 is a "hybrid." If the applicant was convicted of a FELONY DUI within 5 years of their application for a Level 1 Card, the card will be denied and the denial is not appealable. If more than 5 years have elapsed since the felony DUI conviction, they will be issued a Level 1 Card. For misdemeanor DUI, applicants will receive a Level 1 Card with a driving restriction.

Felony Domestic Violence (Page 2 #37) has been added to the non-appealable crimes. Please note there is an exclusion for criminal damage involving domestic violence under certain circumstances.

Finally, please remember this document must be notarized.