



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
CHILD CARE LICENSING PROGRAM
3811 Charleston Blvd., Ste 210
Las Vegas, Nevada 89102
Telephone (702) 486-3822 • Fax (702) 486-6660
<http://dpbh.nv.gov>

List of Disqualifying Crimes

Below is the Nevada Statute that lists crimes for which a person, if convicted of any of these crimes, would be prohibited from working or residing at a child care facility. It is important that facility directors/owners review all employees Consent and Release forms before signing. By signing this form, the director/owner acknowledges they are aware of the arrest. If an employee lists any of the prohibited crimes on their Consent and Release Form, they must provide a written disposition of the crime from the court, indicating that there was not a conviction **before** the person is allowed to work.

NRS 432A.170 Investigation by Division; information concerning criminal convictions of applicant, licensee, operator, employee and certain residents or participants; cost of investigation; applicability to small child care establishment.

1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

- (a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;
- (b) Qualifications and background of the applicant or the employees of the applicant;
- (c) Method of operation for the facility; and
- (d) Policies and purposes of the applicant.

2. Subject to the provisions of subsection 7, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or pornography involving a minor;
- (f) Arson;
- (g) Assault;
- (h) Battery, including, without limitation, battery which constitutes domestic violence;
- (i) Kidnapping;
- (j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS within the immediately preceding 5 years;
- (k) Any offense relating to the distribution or manufacture of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;

(l) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(m) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(n) A crime that constitutes domestic violence pursuant to [NRS 33.018](#);

(o) A violation of [NRS 484C.430](#); or

(p) A violation of [NRS 484C.110](#) or [484C.120](#) within the immediately preceding 5 years.

3. Subject to the provisions of subsection 7, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to [NRS 432A.175](#); and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to [NRS 432.100](#) to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program and before the employee, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2, 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to [NRS 432A.1756](#).

Also, please note NAC 432A.302 states:

NAC 432A.302 Appointment of director convicted of certain crimes prohibited; capabilities of staff. (NRS 432A.077)

1. A licensee of a child care facility shall not knowingly appoint a person as director of the facility or appoint or permit the appointment of a person as an employee or volunteer at the facility if the person has been convicted of child abuse or neglect or any other crime involving physical harm to a person or if a criminal action for such a crime is pending against the person.