Frequently Asked Questions About How Having a Criminal Conviction Could Affect Getting a Professional Counselor or Clinical Professional Counselor License

1. **I am applying for the first-time for a license to be a professional counselor or clinical professional counselor and I have a criminal conviction in my past. Can I still get a license?**

   ANSWER: Depending on the type and nature of the conviction, most likely yes if you are otherwise qualified. There are a few kinds of convictions that by law automatically bar an applicant from receiving a professional counselor or clinical professional counselor license. If you have one of these, your application cannot be approved. Most types of convictions, however, do not automatically prevent an applicant from obtaining a license. These convictions, along with other factors, may be considered by the Department in its decision whether to grant a license. If you have a conviction that is not an automatic bar to licensure, we encourage you to apply and fully participate in the Department's review process. Last year, for all licensed professions, 99% of applicants with a conviction who aren't barred by law and who accurately completed the application disclosing their conviction have obtained a license.

2. **Which convictions are an automatic bar to obtaining a license as a professional counselor or clinical professional counselor?**

   ANSWER: If you have been convicted of one of the following offenses, your application by law cannot be approved and you will not receive a license:

   - An offense requiring registration under the Sex Offender Registration Act
   - An offense where the sentence imposed requires registration under the Sex Offender Registration Act
   - Involuntary sexual servitude of a minor
   - Criminal battery against any patient in the course of patient care or treatment
   - A <u>forcible felony, depending on the date of your conviction and the date of your release from confinement</u>. Please refer to questions 6, 7, and 8 below for more information.

3. **Which convictions will the Department consider when determining whether an applicant qualifies for a professional counselor or clinical professional counselor license? (These are NOT an automatic bar to obtaining a license, but they do need to be disclosed on your application.)**

- Arson
- Burglary
- Stalking
- Battery
- Healthcare fraud
- Theft
- Felonies that do not by law prevent you from getting a license
- Assault
- Reckless homicide
- Manslaughter
- Unlawful use of weapons
- Narcotic drug possession or sale
- Driving under the influence
- Misdemeanors involving dishonesty or that are directly related to your job as a professional counselor or clinical professional counselor

4. **Which convictions will the Department NOT consider when determining whether an applicant qualifies for a professional counselor or clinical professional counselor license? (These convictions do need to be disclosed on your application, but they will not have a negative effect on your request for a license.)**

- Cannabis possession or sale
- Traffic offenses (except driving under the influence and reckless homicide)
- Trespass
- Vandalism
- Convictions that have been expunged, sealed, vacated, or reversed by the court or a juvenile conviction/disposition. These convictions do NOT have to be disclosed to the Department. Please refer to question 5 below for more information.

5. **I have a juvenile conviction in my past, or an adult conviction that has since been expunged, sealed, vacated, or reversed by the court. Should I notify the Department of this conviction?**

   ANSWER: No. Individuals applying for a license should not disclose to the Department any adult convictions that have been expunged, sealed, vacated, or reversed by the court or any juvenile conviction/disposition.

6. **I have a forcible felony conviction in my past. Can I get a professional counselor or clinical professional counselor license?**

   ANSWER: Possibly. Applicants with a forcible felony conviction must meet all license application requirements and qualify under the law for review of a forcible felony conviction. For more information on who may file a petition for review and the process for doing so, please **click here.**

7. **What forcible felonies qualify for review?** The review process applies to the following forcible felonies:

- First Degree Murder
- Second Degree Murder
- Intentional Homicide of an Unborn Child
- Home Invasion
- Drug-induced Homicide
- Unlawful Restraint & Aggravated Unlawful Restraint
- Trafficking in Persons
- Compelling Organization Membership of Persons
- Causing a Catastrophe
- Making a Terrorist Threat & Falsely Making a Terrorist Threat
- Boarding or Attempting to Board an Aircraft with Weapon
- Robbery, Armed Robbery, & Aggravated Robbery
- Vehicular Hijacking & Aggravated Vehicular Hijacking
- Voluntary Manslaughter of an Unborn Child
- Kidnapping & Aggravated Kidnapping
- Forcible Detention
- Involuntary Servitude
- Aggravated Battery
- Compelling Confession or Information by Force or Threat
- Possession of a Deadly Substance
- Material Support for Terrorism
- Hindering Prosecution of Terrorism
- Armed Violence
- Attempt of any of the above offenses

8. **I have a conviction in my past and have submitted my application. What can I expect next?**

ANSWER: The Department may contact you to request additional information or request an informal conference to discuss your past conviction.

If your past conviction is a forcible felony: you will need to take an additional step for your application to be considered. If you have a forcible felony conviction that qualifies for review under the law, you will receive a document called a "Notice of Intent to Permanently Deny Licensure." This document is the first step in the forcible felony review process. **This Notice does NOT mean your application has been denied**, but you must submit a Petition for Review within 20-days of the mailing date stamped on the Notice of Intent to Permanently Deny Licensure. For more information about forcible felony convictions, please refer to questions 6, 7, and 8 or **click here**.

DISCLAIMER: The above questions and answers are provided for general information only and may not be completely accurate in every circumstance, do not purport to be legal advice, and are not intended to be legally binding on the Department in a particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your lawyer.