**Understanding the Determination of Suitability Award Condition**

**SCOPE:** This condition applies to this award if it is indicated – in the application for the award (or in the application for any subaward, at any tier), or the CVSSD solicitation -- that the purpose of some or all of the activities to be carried out under this VOCA award (whether by Grantee or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age:

The Grantee, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual’s employment status.

The details of this requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/interact-minors> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

**How will you know when this condition applies?**

* OVW and OVC funds are included in one or more of your awards, and
* Grant funded activities have the purpose of benefitting minors.

**Who within the organization does this condition apply to?**

Any individual who is expected, or reasonably likely, to interact with any participating minor. A covered individual need not have any particular employment status or legal relationship with the recipient.

Those NOT included: other participating minors, another client, a minor’s parent

Key is that the individual is expected, or reasonably likely, to interact with minors in the course of activities funded under the award. Examples include: staff, consultant, contractor, trainee, volunteer, or teacher

**What is considered “interaction” with a minor?**

Interaction includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means.

Interaction does NOT mean:

* Brief contact that is both unexpected by the recipient and unintentional on the part of the covered individual. (ex: contact with a postal carrier delivering the mail.)
* Personally-accompanied contact – infrequent or occasional contact in the presence of an accompanying adult (who has been determined to be suitable), pursuant to the recipient’s written policies and procedures that are designed to ensure that an appropriate adult will closely and personally accompany, and remain continuously within view and earshot of, the covered individual. An example might be someone who comes to make a presentation and is accompanied throughout the visit.

**What are considered activities under the award?**

* Activities carried out under the award by the recipient or subrecipient.
* Actions taken by an entity or individual pursuant to a procurement contract under the award or subaward.
* Whether paid for with federal funds from the award, “matching” funds included in the approved budget for the award, or “program income” for the award as defined by the Part 200 Uniform Requirements.
* Staff who interact with minors only in activities not carried out under the award are not covered.

**How does the organization comply with the special condition?**

Programs must formally determine that someone is “suitable” to interact with minors through a comprehensive background check.

Specific requirements for background checks should include:

* A review of the previous 5 years
* Fingerprint-based criminal history report
* Website checks
* Completed every 5 years

*For a comprehensive list of websites and registries included in the condition visit the OJP page linked above.*

Programs must maintain written documentation on file, which includes:

* The individual’s name
* The date of background check results
* Date of suitability determination
* The determination of suitability
* Who made the determination

*The determination should be made by someone with adequate knowledge of the awarded program, condition requirements, and the organization’s background check policies.*

**What will CVSSD review as part of the monitoring process?**

During the Monitoring process, fund coordinators will ask to review the following:

* Organization’s policy (procedure, determination factors, frequency, search method)
* Documentation of determination
* Confirmation that the determination was made prior to interaction with minor(s)
* Confirmation that the determination is renewed every 5 year
* Documentation for subawards (showing special condition is met)

*CVSSD will NOT review background check results.*

**Resources**

* Public sex offender and child abuse websites/registries
  + A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably-accessible federal, state, and (if applicable) local and tribal sex offender and child abuse website/public registries, including:
    - Dru Sjodin National Sex Offender Public websites;
    - The website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school any time during the past 5 years; and
    - The website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.
* ***Preventing Child Sexual Abuse in Youth-Serving Organizations****,* webinar by the National Children’s Advocacy Center, available on OVW’s website. <https://www.nationalcac.org/recorded_trainings/preventing-child-sexual-abuse-in-youth-serving-organizations/>
* ***What You Need to Know About Background Screening*, Guidebook by DOJ’s** Office of Community Oriented Policing Services and National Center for Missing and Exploited Children.

<https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P260>