

Award Condition Enhancements:

Determination of suitability required, in advance, for certain individuals who may interact with participating minors



POLICY

Award Condition Enhancements:

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EFFECTIVE DATE

March 31, 2023



REVISION DATE

February 1, 2024

GMD policy revised to incorporate references to the Office on Violence Against Women (OVW)



APPLIES TO

All subawards/ subgrants administered by the JPSC GMD for which the purpose of some or all of the activities to be carried out under the subaward is to benefit a set of individuals under 18 years of age

Full Award Condition Language

Incorporated by reference into many OJP and OVW awards since 2019

Office for Justice Programs (OJP) Award Condition

<https://www.ojp.gov/funding/explore/interact-minors>

Office on Violence Against Women (OVW) Award Condition

<https://www.justice.gov/ovw/page/file/1432316/dl?inline>

Kentucky Justice and Public Safety Cabinet (JPSC) Grants Management Division (GMD) Award Condition

<https://justice.ky.gov/Departments-Agencies/GMD/Pages/suitability.aspx>

Federal Award Condition (Same for OJP and OVW)

- Requires advance determination regarding suitability for certain individuals who may interact with minors who receive grant-funded services
- Identifies required sex offender registry, child abuse registry, and criminal history searches that must be performed when making determining suitability
- Defines factors which must be considered, including factors that automatically disqualify an individual from being found suitable
- Establishes schedule for required updates and reexaminations of an individual's suitability

GMD Award Condition Enhancements

1. Requirement to Maintain a Written Policy
2. Updates to Reexamination Schedule

Source: JPSC GMD Policy, Award Condition Enhancements: Determination of suitability required, in advance, for certain individuals who may interact with participating minors, Effective March 31, 2023, Revised February 1, 2024

Award Condition Enhancement 1

Requirement to Maintain Written Policy

Subrecipients must implement formal, written policies and procedures that:

- (a) document the factors and considerations that will be considered in making determinations regarding suitability**
- (b) identify the specific public sex offender and child abuse websites/registries, criminal history registries, and similar repositories of criminal history records that will be searched** when making determinations regarding suitability, and
- (c) address “personally-accompanied contact” situations** as defined in paragraph 3(c)(2) of the OJP award condition.

Source: JPSC GMD Policy, Award Condition Enhancements: Determination of suitability required, in advance, for certain individuals who may interact with participating minors, Effective March 31, 2023 ; Revised: February 1, 2024

Award Condition Enhancement 2

Updates and Reexamination Schedule

Subrecipients must update all required searches specified within this policy and reexamine the covered individual's suitability in light of those search results **every two (2) years**. When appropriate, the determination must be modified or withdrawn.

Source: JPSC GMD Policy, Award Condition Enhancements: Determination of suitability required, in advance, for certain individuals who may interact with participating minors, Effective March 31, 2023; Revised: February 1, 2024

Determination of Suitability

Subrecipients may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the subrecipient first has made a written determination of the suitability of that individual to interact with participating minors.



Each determination must be based on current and appropriate information and take into account the factors and considerations described in the award condition in determinations regarding suitability.

Definitions

COVERED INDIVIDUAL

Any individual who is expected, or reasonably likely, to interact with a participating minor

Includes, but may not be limited to:

- Employee
- Contractor
- Volunteer
- Consultant
- Trainee
- Teacher

Excludes: Participating minors or other service recipients; individuals only expected to interact with their own minor children

Definitions

PARTICIPATING MINOR

All individuals under 18 years of age who take part in, or are beneficiaries of, a grant-funded program

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

Excludes: Brief and unexpected contact; personally-accompanied contact

Required Searches

Must be performed no earlier than 6 months before determining an individual's suitability

Public Sex Offender and Child Abuse Websites/Registries	
The Dru Sjodin National Sex Offender Public Website https://www.nsopw.gov/	Required
Kentucky Public Sex Offender Registry https://kentuckystatepolice.org/sex-offender-registry/	Required
Kentucky CHFS Child Abuse & Neglect (CAN) Registry https://kog.chfs.ky.gov/home/	Required
Public sex offender and child abuse websites/registries for each state other than Kentucky in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years	If Applicable
Public sex offender and child abuse websites/registries for each state other than Kentucky in which the individual is expected to, or reasonably likely to, interact with a participating minor <u>in the course of activities under the award</u>	If Applicable

Required Searches

All criminal history searches must be fingerprint-based, if legally available.

Criminal History Registries and Similar Repositories of Criminal History Records

Searches must encompass at least the time period beginning five (5) calendar years preceding the date of the search request.

Criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five (5) years

Required

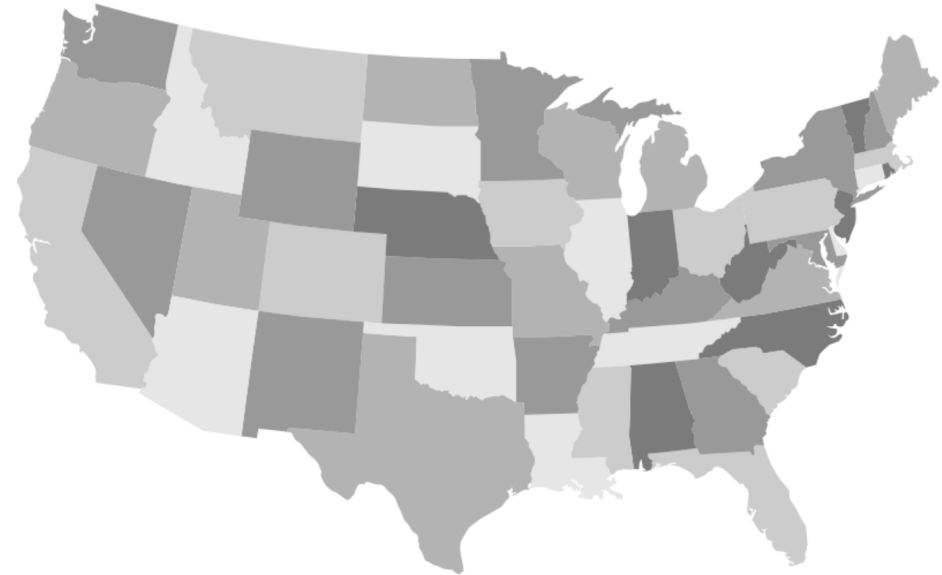
Criminal history registry for each state in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

Required

Important Reminder

If the covered individual:

- Currently lives, works, or goes to school in another state,
- Has lived, worked, or gone to school in another state in the last 5 years, OR
- Is expected to, or reasonably likely to, interact with a participating minor in a state other than Kentucky,



The public sex offender registry, child abuse registry, and criminal history registry for EACH state must also be examined.

Award Condition: Factors and Considerations in Determinations Regarding Suitability

- Determinations must be based on current and appropriate information
- Award condition identifies factors that automatically and permanently disqualify an individual from working with minors
- Other factors and considerations under the subrecipient's written policies and procedures

Documentation Requirements

Subrecipients must maintain all documentation related to written determinations of suitability for the duration of the records retention period. These records will be reviewed by GMD during compliance monitoring engagements and may be requested by GMD at any time.

1. Written determinations of suitability for all covered individuals

2. All records and reports generated through completion of required searches

3. Determination of Suitability to Interact with Participating Minors Certification Form

Resource: [OJP Suitability Determination Sample Monitoring Checklist](#)



CERTIFICATION

Award Condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors

Organization Name: _____

Application Number: _____

Project Name: _____

All subawards/subgrants administered by the Kentucky Justice and Public Safety Cabinet (JPSC) Grants Management Division (GMD), for which the purpose of some or all of the activities to be carried out under the subaward is to benefit a set of individuals under 18 years of age, are subject to the provisions of the current *Determination of suitability required, in advance, for certain individuals who may interact with participating minors* award condition (hereinafter, "award condition") established by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), and incorporated into many OJP awards, starting in calendar year 2019. The full award condition can be accessed on the OJP website:

<https://www.ojp.gov/funding/explore/interact-minors>.

JPSC GMD has added two (2) award condition enhancements to the baseline requirements set forth in the OJP award condition. See JPSC GMD's full policy, *Award Condition Enhancements: Determination of Suitability required, in advance, for certain individuals who may interact with participating minors*, available on the JPSC GMD website.

Select one of the following designations:

The purpose of some or all of the activities to be carried out under the proposed project is intended to benefit a set of individuals under 18 years of age.

The purpose of some or all of the activities to be carried out under the proposed project is **NOT** intended to benefit a set of individuals under 18 years of age.

If the proposed project activities are NOT intended to benefit a set of individuals under 18 years of age, please indicate N/A to Questions #1-12.

Determination of Suitability Certification Form

- Fillable PDF available for download on JPSC GMD Website
- Required submission for ALL grant applications completed after March 31, 2023
- Allows applicant to designate whether program activities are intended to benefit a set of individuals under 18 years of age
- Allows applicant to document legal availability of fingerprint-based criminal history searches

Resources

Office for Justice Programs (OJP) Determination of Suitability Award Condition

<https://www.ojp.gov/funding/explore/interact-minors>

Office on Violence Against Women (OVW) Determination of Suitability Award Condition

<https://www.justice.gov/ovw/page/file/1432316/dl?inline>

Grants Management Division (GMD) Website

<https://justice.ky.gov/Departments-Agencies/GMD/Pages/suitability.aspx>

- GMD Determination of Suitability Certification Form
- SAMPLE Determination of Suitability Tracking Form
- OJP Suitability Determination Sample Monitoring Checklist

TEAM
KENTUCKY

JUSTICE AND
PUBLIC SAFETY CABINET

