

Determination of Suitability to Interact with Minors



March 30, 2023

PRESENTED BY
Connie Tilton, Paraprofessional
Erica Haas, Attorney
Kansas Governor's Grants Program

www.grants.ks.gov

Kansas Governor's Grants Program

Welcome


- This webinar is being recorded.
- Please mute your microphone/turn off video.
- Have the Determination of Suitability to Interact with Minors Grant Assurance available for reference, either in print or on your computer.
- Closed captioning is available - Click the CC button in the toolbar at the bottom to access.
- Prepare to engage!
 - Consider closing your email or other programs that may distract you.
- We want this to be helpful for you! Please ask questions in the chat throughout- **all questions will be answered at the end of the webinar.**
- Let us know in the chat if you are having technical issues or send an email to kggp@ks.gov.
- **The link to the PowerPoint and the recorded training will be sent to the Subgrantee's primary contact and posted on www.grants.ks.gov.**



Training Agenda

Determination of Suitability to Interact with
Minors Grant Assurances as required by U.S.
Department of Justice

Connie Tilton, Paraprofessional
Erica Haas, Attorney



Determination
of Suitability to
Interact with
Minors

Video – Background Check Requirements

[Background Check Requirements - Determining Suitability for Working with Minors](#)

Determination of Suitability to Interact with Minors

The Subgrantee has or will, for any grant funded activity benefitting a set of individuals under 18 years of age, make written determinations of suitability based on current and appropriate information before certain individuals may interact with participating minors, regardless of an individual's employment status.

- Consultant, contractor, employee of a contractor, trainee, volunteer, or teacher

Determination of Suitability to Interact with Minors

Covered Individual

A Covered Individual is any individual (other than a participating minor) who is expected, or reasonably likely, to interact with any participating minor.

Policies and Procedures should include how the Subgrantee determines who is a Covered Individual.

Subgrantee Responsibility

If Subgrantee's grant funded activity does NOT benefit a set of individuals under 18 years of age:

- Submit to the KGGP certification on agency letterhead.

If Subgrantee's grant funded activity DOES benefit a set of individuals under 18 years of age:

- Submit to KGGP written policies.



Subgrantee Written Policies

Determination timelines

Initial:

- Within six months of required searches.

Updates and Reexaminations:

- At least every five years; and
- Upon learning information that reasonably suggests unsuitability.

Subgrantee Written Policies

Interaction with Minors

Interaction DOES include:

- Physical contact;
- Communication, written or oral; or
- Transmission of images or sound.

Interaction does NOT include:

- Brief unintentional contact; or
- Personally-accompanied contact.



Subgrantee Written Policies

Current and Appropriate Information

In addition to checks or screenings required by federal, state, tribal, or local law, and the Subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- Public sex offender and child abuse websites/registries:
 - Dru Sjodin National Sex Offender Public Website;
 - Public registries for each state (and/or tribe, if applicable) the individual has been connected to in the past five years;
 - Lived, worked, or attended school; and
 - Public registries for each state (and/or tribe, if applicable) the individual will likely interact with a participating minor related to the grant award.

Subgrantee Written Policies

Current and Appropriate Information (continued)

In addition to checks or screenings required by federal, state, tribal, or local law, and the Subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- Criminal history registries:
 - Public registries for each state the individual has been connected to in the past five calendar years preceding the date of the search request;
 - Lived, worked, or attended school; and
 - Public registries for each state the individual will likely interact with a participating minor related to the grant award.

**Searches shall be conducted by using fingerprints when possible.

** Searches shall be conducted by current and previous names, including aliases.

Subgrantee Written Policies

Determination of Suitability

An individual cannot be determined suitable if the individual:

- Withholds consent to a criminal history search;
- Knowingly makes (or made) a false statement that affects, or is intended to affect any required search;
- Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;

Subgrantee Written Policies

Determination of Suitability

An individual cannot be determined suitable if the individual (con't):

- To the knowledge of the Subgrantee, has been convicted of any of the following crimes (or substantially equivalent criminal offense):
 - Sexual or physical abuse, neglect, or endangerment of a person under age 18;
 - Rape / sexual assault, including conspiracy;
 - Sexual exploitation;
 - Kidnapping;
 - Voyeurism; or
 - Is determined by a federal, state, tribal, or local government not to be suitable.

Review of Determinations

Subgrantee Responsibility

- Provide to KGGP a list of covered individuals and the following information about each covered individual:
 - Name
 - Position/Role
 - Format of Determination (form, letter, email etc)
 - Must be in writing
 - Date/s of Search Results
 - Determination
- **Subgrantee does NOT provide search results to KGGP.

Review of Determinations

KGGP Paraprofessional Responsibility

Select five or five percent (whichever is greater) of the covered individuals and review the following:


- Timely determination (made within six months of completed searches);
- Timely redetermination (every five years); and
- Re-examinations (information becomes available to suggest unsuitability);
 - Outcome; and
 - Back up documentation.

Review of Determinations

KGGP Paraprofessional Responsibilities

In addition to reviewing the determinations, the Paraprofessional will:

- Review Subgrantee policies;
 - Request additional information as needed;
- Sign, date, and file the checklist; and
- Inform the Subgrantee and Analyst by email when the review is complete.



Is a
Determination
of Suitability
Needed?

A Domestic Violence shelter has a youth outreach program and a children's program, but the VOCA grant award supports only a court advocate who works with adults.

- Does the court advocate need a determination of suitability?
- 

Is a Determination of Suitability Needed?

- Do the funds awarded by the grant have the purpose of benefitting minors? **NO.**
- Do the youth and children program leaders need determinations of suitability? **NO.**
- Leaders are not supported by the grant award. Subgrantees may choose to screen these leaders since they may be in contact with minors, or screening may be required by the state or other grant awards. If the activity is not supported by the grant award, the condition would not apply.
- What if the court advocate sometimes fills in at the shelter overnight or helps serve snacks during the children's program? Think this through! Is it expected or reasonably likely the advocate will interact with minors? Is it in the job description for the advocate to interact with minors? How often? A Subgrantee may choose to go above and beyond screening for this position.

Determination of Suitability to Interact with Minors

Resources

- Checklist:
 - [Suitability to Interact with Minors Policy Checklist](#)
- Details:
 - [Office of Justice Programs](#); and [Office on Violence Against Women](#)
- Funding:
 - Grant funds may be obligated for the reasonable, necessary, and allocable costs to ensure compliance with this condition (supplanting restrictions still apply).

DETERMINING IF SUBGRANTEE IS REQUIRED TO HAVE A SUITABILITY TO INTERACT WITH MINORS POLICY

Will the Subgrantee provide any grant funded activity under any DOJ grant which will benefit a set of individuals under 18 years of age (including any consultant, contractor, employee of a contractor, trainee, volunteer, or teacher)?

Yes

DOES the interaction with minors include any of the following:

- Physical contact
- Communication, written or oral; or
- Transmission of images and sound.

Yes

Submit written policies to KGGP that include A, B, and C.

No

Subgrantee activity involves **NO CONTACT** with minors or **ONLY** involves the following interaction with minors:

- Brief unintentional contact; or
- Personally-accompanied contact.

Yes

Submit certification on agency letterhead to KGGP.

A. DETERMINATION TIMELINES

INITIAL:

- Within six months of required searches

UPDATES AND REEXAMINATIONS:

- At least every five years; and
- Upon learning information that reasonably suggests unsuitability.

B. CURRENT AND APPROPRIATE INFORMATION

The following searches **MUST** be conducted by current and previous names/aliases, using fingerprints when possible:

- Public sex offender and child abuse websites/registries;
 - Dru Sjodin National Sex Offender Public Website;
 - Public registries for each state or tribe the individual has been connected to in the past five years (lived, worked, or attended school); and
 - Public registries for each state or tribe the individual will likely interact with a participating minor related to the grant award.
- Criminal history registries:
 - Public registries for each state the individual has been connected to in the past five calendar years preceding the date of the search request (lived, worked or attended school); and
 - Public registries for each state the individual will likely interact with a participating minor related to the grant award.

C. DETERMINATION OF SUITABILITY

An individual **CANNOT** be determined suitable if the individual:

- Withholds consent to a criminal history search;
- Knowingly makes (or made) a false statement that affects, or is intended to affect any required search;
- Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- To the knowledge of the Subgrantee, has been convicted of any of the following crimes (or substantially equivalent criminal offense):
 - Sexual or physical abuse, neglect, or endangerment of a person under age 18;
 - Rape/sexual assault, including conspiracy;
 - Sexual exploitation;
 - Kidnapping;
 - Voyeurism; or
 - Is determined by a federal, state, tribal, or local government not to be suitable.

REVIEW OF DETERMINATIONS

SUBGRANTEE RESPONSIBILITY

Provide a list of covered individuals and the following information about each covered individual to KGGP:

- Name
- Position/Role
- Format of Determination (form, letter, email, etc.) – **MUST BE IN WRITING**
- Date(s) of search results
- Determination

*Search results **SHALL NOT** be provided to KGGP.

KGGP PARAPROFESSIONAL RESPONSIBILITY

1. Select five or five percent (whichever is greater) of the covered individuals and review the following:


- Timely determination (made within six months of the searches); Timely redetermination (every five years); and
- Re-examinations (information becomes available to suggest unsuitability);
 - Determination; and
 - Back up documentation.

2. Review Subgrantee policies, and request additional information as needed;

3. Sign, date, and file the checklist; and

4. Inform the Subgrantee and Analyst by email when the review is complete.

*Search results **SHALL NOT** be provided to KGGP.

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Determination of Suitability to Interact with Minors

Questions

Survivor Voices

Elevate. Engage. Effect Change.



25th Annual Crime Victims' Rights Conference

May 3 - 4, 2023

Pre-Conference Institute

May 2, 2023

Hyatt Regency ~ Wichita, Kansas

www.grants.ks.gov

Thank you for attending the webinar!

Contact Information

This webinar is just one opportunity to get your questions answered!
For questions regarding the agency's grant award/s contact KGGP office.

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