

**North Dakota Department of Corrections and Rehabilitation
DETERMINATION of SUITABILITY AWARD CONDITION**

The Award Condition: Determination of Suitability for Covered Individuals Who May Interact with Participating Minors was incorporated into Department of Justice awards starting in federal fiscal year 2019. If the award condition applies to a subaward, the subrecipient must make determinations of suitability before certain individuals may interact with participating minors. Details of this requirement are posted on the Office of Justice Programs website at <https://ojp.gov/funding/Explore/Interact-Minors.htm>.

❖ *This policy pertains to Subrecipient and Pass-Through Administration (Subrecipient)*

Name of Subrecipient:

Date of Monitoring: October 1, 2026 through September 30, 2027

Federal Award: VOCA Grant

YES	NO	N/A
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1. APPLICABILITY

Is a purpose of some or all of the activities to be carried out under the subaward to benefit a set of individuals under 18 years of age?	<input type="checkbox"/>	<input type="checkbox"/> If no, the condition does not apply.
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2. SUBRECIPIENT POLICIES AND PROCEDURES

2a. Does the subrecipient have written policies or procedures that implement the subaward condition?	<input type="checkbox"/>	<input type="checkbox"/> If no, skip to Q3.
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2b. Do the policies and procedures include each of the following subaward condition elements for making determinations of suitability? <ul style="list-style-type: none"> ➤ A name-based search of the required <u>public sex offender</u> and <u>child abuse registries</u>; ➤ A fingerprint-based search of the required criminal history registries (or similar repositories), covering at least <u>five calendar years</u> preceding the date of the search request (or, if legally unavailable, a name-based search using current and previous names and aliases); ➤ All searches cover jurisdictions in which covered individuals lived, worked, or went to school during the past <u>five years</u> and in which they are expected to, or are reasonably likely to, interact with participating minors; ➤ A determination of suitability is prohibited if the covered individual: <ul style="list-style-type: none"> ▪ Withholds consent to a required criminal history search; ▪ Knowingly makes 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; https://www.nsopw.gov/ ▪ To the knowledge of the subrecipient, has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law): <ol style="list-style-type: none"> (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense; (2) rape/sexual assault, including conspiracy to commit rape/sexual assault; (3) sexual exploitation, such as through child pornography or sex trafficking; (4) kidnapping; (5) voyeurism and/or 	<input type="checkbox"/>	<input type="checkbox"/>	--
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<ul style="list-style-type: none"> ▪ Is determined by a federal, state, tribal, or local government agency not to be suitable. ➤ Determinations are made prior to a covered individual interacting with participating minors in the course of activities under the subaward; and ➤ Determinations are made within <u>6 months of completion of the required searches</u> listed in the subaward condition, re-examined upon learning information that reasonably may suggest unsuitability, and renewed at least every 5 years. 			
	YES	NO	N/A
3. SUBRECIPIENT PRACTICES			
If the subrecipient must have written policies or procedures, the subrecipient must describe its practices in making determinations of suitability. Do the described practices meet the required elements in Question 2b?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. AVAILABILITY OF FINGERPRINT-BASED SEARCHES			
If a fingerprint-based search of criminal history registries is not legally available, has the subrecipient documented the legal prohibition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. COVERED INDIVIDUALS			
5a. Do the subrecipient's policies or procedures describe how it determines which individuals are covered individuals consistent with the definition of "covered individual" in the subaward condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5b. Subrecipient to provide a list of its covered individuals. Add rows as needed. Do not provide documents that include personally identifiable information beyond the name of the covered individual and his/her position/role. The subrecipient should redact any other personally identifiable information or sensitive information prior to providing the written determinations of suitability for review.			
Full Name	Position/Role	Determination of Suitability Format (e.g., email, form)	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
5c. Were selected determinations made within <u>6 months</u> of the required searches, and <u>renewed every 5 years</u> , if applicable? <i>Subrecipient to submit the dates of the search results and determinations, but not search results.</i>	<input type="checkbox"/>	<input type="checkbox"/>	--
5d. Has the subrecipient re-examined determinations upon learning of information that reasonably may suggest unsuitability and, if appropriate, modified or withdrawn those determinations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. PASS-THROUGH ADMINISTRATION (not used often)			
6a. Did the subrecipient pass the subaward condition to its subrecipient(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6b. Did the subrecipient monitor subaward condition compliance by its subrecipient(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>