



FAQ - Determination of Suitability Requirement

Frequently Asked Questions

Why is CVRC requiring these background checks?

Starting in calendar year 2019, the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) incorporated this award condition for VOCA and VAWA federally funded programs. This special condition is included in all subrecipient contracts for federal awards administered by CVRC.

Does everyone in the agency have to undergo background checks?

Only agency personnel, consultants, contractors, employees of contractors, trainees, and volunteers who are likely to interact with a minor under the age of 18 years in the course of delivering services. Each individual must have a fingerprint-based criminal background check prior to placement and a name search in the Dru Sjodin National Sex Offender Registry <https://www.nsopw.gov/>. For all states where the individual has lived, worked or attended school withing the last five years.

What does “interact with a minor” mean?

Interaction includes physical contact, oral and written communication, social media, and all other communications either in person or by electronic means.

Do the CYFD background checks meet this requirement?

CYFD does not run checks through the Dru Sjodin National Sex Offender Registry, therefore, agencies will need to run these checks.

CYFD policy for unreasonable risk factors may not include all the disqualifying crimes per the U.S. Department of Justice (DOJ) special condition. Conviction whether as a felony or misdemeanor under federal, state, tribal, or local law for any of the following crimes will result in an individual being unsuitable:

- 1) Sexual or physical abuse, neglect, or endangerment of an individual under 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; or
- 6) Is determined by a federal, state, tribal, or local government agency not to be suitable

Agencies will need to review any convictions to ensure they are not included in the U.S. DOJ listed crimes. Agencies must also ensure the background check includes searches of criminal history in any state the individual has lived, worked, or gone to school in within the past five years.

What if an employee worked or went to school in a state they did not live in?

The criminal background check must include all states the individual has lived, worked, or attended school in the past five years.

Can we use federal funds to pay for these background checks?

Award funds may be obligated for the reasonable and necessary costs designed to ensure compliance with this special condition provided that such funds would not supplant non-federal funds that would otherwise be used for such costs.

How often does the background check and name search in the sex offender registry need to be completed?

Every five years.

Does CVRC need the results of the checks?

Agencies must keep written documentation on file. Submission of the completed CVRC *Suitability to Interact with Minors* form must be uploaded in WebGrants at www.nmcvrcgrants.com for each federal award that agency receives from CVRC.

Do we need to notify CVRC if an employee is found to be unsuitable to interact with minors?

Yes, if the employee is funded with federal funds administered by CVRC.

If an employee is found to be unsuitable can we move them to another position?

Yes, if there will be no interaction with minors. However, CVRC strongly encourages agencies to consider the risk of employing an individual determined as unsuitable while serving vulnerable populations, including victims of crime.

What if my agency does not serve minors?

This special condition applies to any agency where there is a reasonable expectation to interact with a minor under the age of 18 years. However, CVRC strongly encourages all agencies working with vulnerable populations, including victims of crime, to check the criminal histories of all employees.

What if my agency does not enforce finger printing background checks?

Suitability to Interact with Minors is a federal special condition and required to receive VOCA and VAWA funding. CVRC does not have the ability to waive this requirement.

What documentation is needed to show which staff/volunteers do and don't fall under the requirement?

The agency is responsible for tracking which staff/volunteers fall under the special condition requirement per the agency policy.