

## Suitability to Interact with Minors Policy

As required by special conditions attached to federal funds administered by the New Mexico Crime Victims Reparation Commission, <AGENCY NAME> will make advance written determinations of suitability before covered individuals may interact with minors. A covered individual means any employee, volunteer, or anyone who is expected, or reasonable likely to, interact with a participating minor.

<AGENCY NAME> will update the searches described below and reexamine the covered individual's suitability determination every five years. In light of those search results, <AGENCY NAME> will, if appropriate, modify or withdraw the covered individual's suitability determination. <AGENCY NAME> will reexamine a covered individual's suitability determination when learning of information that may suggest unsuitability, and when appropriate, modify or withdraw that determination.

### Required Searches

Within one month of date of hire and prior to any covered individual interacting with a minor, <AGENCY NAME> will complete the following searches<sup>1</sup>:

#### Public Sex Offender Registries

- [Dru Sjodin National Sex Offender Public Website](#)
- Any other state (or tribal, if applicable) registry where the covered individual has lived, worked, or attended school within the last five years.

#### Criminal Background Checks: DOJ Required

- Fingerprint search encompassing at least the time period beginning five calendar years preceding the date of the search request -for New Mexico (and, if applicable, local and tribal) criminal history registries or similar repositories
- Criminal background checks for any other state the covered individual has lived, worked, or attended school within the last five years.

### Factors and Considerations in Determining Suitability

<AGENCY NAME> will consider the information from the searches described above when making a determination regarding suitability. Specifically, <AGENCY NAME> will not determine that a covered individual is suitable to interact with participating minors if the covered individual:

- Withholds consent to a criminal background check as required by this policy

---

<sup>1</sup> For current staff, the required searches will be completed as soon as possible and will then be reexamined every five years as described above.

- Knowingly makes (or made) a false statement that affects, or is intended to affect, any search described in this policy
- Is listed as a sex offender on the Dru Sojdin National Sex Offender Public Website, the Wisconsin Sex Offender Registry, or any other state (or tribal, if applicable) registry where the covered individual as lived, worked, or attended school within the last five years.
- 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 offense, regardless of the specific words by which it may be identified by law):
  - Sexual or physical abuse, neglect, or endangerment of a person under the age of 18 at the time of the offense;
  - Rape/sexual assault, including conspiracy to commit rape/sexual assault;
  - Sexual exploitation, such as through child pornography or sex trafficking;
  - Kidnapping;
  - Voyeurism; or
- Is determined by a federal, state, tribal, or local government agency not to be suitable.